



W.P.(MD) No.26264 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.26264 of 2022

Singarasu

... Petitioner

-Vs-

1.The District Collector,
District Collector Office,
Madurai-625705.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The Block Development Officer (Village Panchayat),
Sedapatti Panchayat Union Office,
Peraiyur Taluk, Madurai-625705.

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WEB COPY 4.The President,

Thullukkuttinayakkanur Village Panchayat,
Peraiyur Taluk, Madurai District.

5.Thangaswaran

6.Kuravan

7.Mookaiyan

8.Mariyappan

9.Puthuraja

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate legal action as against the respondents 5 to 9 and to remove the encroachment in Cart Track (Vandi Pathai) situated in Survey Nos.75/2 and 76/1, Thullukkuttinayakkanur Village, Peraiyur Taluk, Madurai District by considering the petitioner's representation dated 10.10.2022 and subsequent representation dated 02.11.2022 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

For R4 : Mr.S.P.Maharajan,
Special Government Pleader

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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate legal action as against the respondents 5 to 9 and to remove the encroachment in Cart Track (Vandi Pathai) situated in Survey Nos.75/2 and 76/1, Thullukkuttinayakkanur Village, Peraiyur Taluk, Madurai District by considering the petitioner's representation dated 10.10.2022 and subsequent representation dated 02.11.2022 within a time frame.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the 4th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 5 to 9 is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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4.Claiming that the respondents 5 to 9 have made the aforesaid encroachment, the petitioner and the villagers made a representation to the 4th respondent on 10.10.2022 seeking removal of the encroachment. Since the same has not been considered, they made another representation on 02.11.2022 to the official respondents. Finding inaction on the part of the official respondents, the petitioner has come before this Court seeking appropriate relief.

5.The learned Additional Government Pleader for the respondents 1 to 3 would submit that the representations of the petitioner and the villagers dated 10.10.2022 and 02.11.2022 would be considered on merits and appropriate action would be taken to remove the encroachment, if any in the place in question, by due process of law, for which the learned counsel for the petitioner is agreeable.

6.In view of the above, without going into the merits of the case, we direct the authorities concerned to consider the representations of the petitioner

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and the villagers dated 10.10.2022 and 02.11.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]

21.11.2022

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,
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Madurai-625705.

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2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The Block Development Officer (Village Panchayat),
Sedapatti Panchayat Union Office,
Peraiyur Taluk, Madurai-625705.

4.The President,
Thullukkuttinayakkanur Village Panchayat,
Peraiyur Taluk, Madurai District.

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