



W.P.(MD) No.26341 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.26341 of 2022
and
W.M.P.(MD) No.20525 of 2022**

M.Perumal

... Petitioner

-VS-

- 1.The District Collector
Sivagangai District
Sivagangai
- 2.The Revenue Divisional Officer
Sivagangai District
Sivagangai
- 3.The Block Development Officer
Ilaiyankudi Union
Sivagangai District
- 4.The Assistant Engineer
Ilaiyankudi Union Office
Sivagangai District
- 5.Lakshmi
- 6.M.Jeyaraman



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7.M.Veluchamy

8.M.Rajeev Ganthi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment made by the respondents 5 to 8 in Survey No.127/1 in Katchathanallur Village, Ilaiyankudi Union, Sivagangai District, on the basis of the petitioner's representation dated 01.09.2022.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4

ORDER

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

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1 to 4.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the private respondents is dispensed with.



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3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment made by the respondents 5 to 8 in Survey No.127/1 of Katchathanallur Village, Ilaiyankudi Union, Sivagangai District, based on the petitioner's representation dated 01.09.2022.

5. The grievance of the petitioner is that though he made a representation, as early as on 01.09.2022 to the respondents 1 to 4 seeking removal of the encroachments made by the private respondents in the aforesaid survey number, till date the same has not been considered.

6. The learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representation, dated 01.09.2022 would be considered and appropriate action would be taken, in accordance with law.



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7. In view of the above, without going into the merits of the claim made by the petitioner, the first respondent is directed to consider the petitioner's representation dated 01.09.2022 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law. That apart, the first respondent shall also take into consideration the claim of the petitioner to construct Panchayat building in the subject land, on merits and in accordance with law. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

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Internet : Yes / No

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