



W.P.(MD) No.26443 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.26443 of 2022

M.Muthu

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate, Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai – 625 003.

3.The Commissioner,,
Thirupparankundram Panchayat Union,
Thirupparankundram,
Madurai – 625 005.

4.The President,
Valayankulam Panchayat,

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Valayankulam,
Thirupparankundram Taluk,
Madurai District.

... 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 all the encroachments made in the Sirukkulam Kanmai, Puthu Oorani situated in Valayankulam Village, Madurai South Taluk, Madurai District and ensure the storage in its full capacity and also to remove all the encroachments made in public streets and public pathway in Valayankulam Village.

For Petitioner : Mr.M.C.Swamy

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 to R3
Mr.N.GA.Nataraj,
Government Advocate for R4 .

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 3 to remove all the encroachments made in the Sirukkulam Kanmai, Puthu Oorani situated in Valayankulam Village, Madurai



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South Taluk, Madurai District and ensure the storage of water therein in its full capacity and also to remove all the encroachments made in the public streets and public pathway in Valyankulam Village.

2. Heard Mr.M.C.Swamy, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the respondents 1 to 3 and Mr.N.GA.Nataraj, learned Government Advocate, who takes notice for the 4th respondent.

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

4. The learned counsel for the petitioner submitted that though the petitioner made a representation on 28.10.2022 to the respondents, seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.



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5. The learned Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 28.10.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question by due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.

6. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 28.10.2022, 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 and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

vsm

[R.M.D., J.] [J.S.N.P., J.]
23.11.2022

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