



W.P.(MD)No.26611 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26611 of 2022

K.Manickamuthu

.. Petitioner

Versus

The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent herein to provide adequate compensation in favour of the petitioner for the land measuring an extent of 11 Cents, situated at Rajapalayam Taluk and Town, Puthupalayam Village, in Ayan Punja Survey No.378 and Town Survey No. 312/2, Block No.5 and Town Ward No.1, based on the petitioner's representation dated 29.09.2022, within the time stipulated by this Court.

For Petitioner	:	Mr.K.Sudalaiyandi
For Respondent	:	Mr.N.Dilipkumar Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing

<https://www.mhc.tri.tn.gov.in/judis> the respondent herein to provide adequate compensation for his land



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measuring an extent of 11 Cents, situated at Rajapalayam Taluk and Town, Puthupalayam Village, in Ayan Punja Survey No.378 and Town Survey No. 312/2, Block No.5 and Town Ward No.1, based on his representation, dated 29.09.2022, within a time frame.

2. Heard Mr.K.Sudalaiyandi, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel, who takes notice for the respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the property in question originally, belonged to the father of the petitioner namely, Kalusalingam and the petitioner and his father were in peaceful possession of the said property. After the demise of his father, the petitioner and his son are in peaceful possession and enjoyment of the property. In the year 2010, the respondent decided to form a 60 feet concrete cement road through a portion of the said property and thereafter, vide his letter dated 18.03.2015, the respondent informed that the lands were not required for the purpose of forming the cement road. In the said circumstances, in the year 2019, the respondent without getting any consent from the petitioner and without his knowledge, illegally dug two holes for laying underground drainage.



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Immediately, on 02.01.2019, the petitioner sent an objection notice and requested him not to carry out the said work in his property and the respondent had closed the said holes. Thereafter, on 10.03.2022, the respondent once again dug two holes in a part of the petitioner's property without his consent and laid drainage pipes in the said holes, for which, the petitioner sent an objection notice on 11.03.2022. While so, on 09.08.2022, the respondent has illegally encroached another portion of the petitioner's property without his consent and laid underground drainage. Therefore, the petitioner and his son sent a representation dated 29.09.2022, to the respondent narrating all the above said facts and requested him to pay suitable compensation for the illegal encroachment of 11 cents of land. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4. The learned Standing Counsel appearing for the respondent submitted that the petitioner's representation dated 29.09.2022, would be considered and appropriate orders would be passed on merits and in accordance with law, within a time frame.

5. Recording the aforesaid submission made by the learned Standing Counsel appearing for the respondent, this Court, without going into the merits



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of the case, directs the respondent, to consider the representation of the petitioner, dated 29.09.2022, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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25.11.2022

To

The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.



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V.BHAVANI SUBBAROYAN, J.

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