



W.P.(MD)No.26505 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

CORAM

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

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Andiyappan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Thasildar,
Karambakudi Taluk,
Pudukkottai District.

3.The Block Development Officer,
Karambakudi,
Pudukkottai District.

4.The President,
K.Mudalipatti Village,
Karambakudi Taluk,
Pudukkottai District.

5.Vetrivel

6.Senthilkumar

7.Kumar

8.Murugesan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a Writ of Mandamus, to direct the respondents 1 to



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4 herein to remove the encroachments made by the respondents 5 to 8 herein in S.Nos.122/49, 122/40 and 122/48, K. Mudalipatti Village, Karambakudi Taluk, Pudukkottai District, on the basis of the petitioner's representation dated 12.05.2022, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Karnan

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 4 herein to remove the encroachments made by the respondents 5 to 8 in S.Nos.122/49, 122/40 and 122/48, K. Mudalipatti Village, Karambakudi Taluk, Pudukkottai District, on the basis of his representation dated 12.05.2022, within a time frame.

2. Heard Mr.G.Karnan, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 to 8 is dispensed with.

4. Alleging that the respondents 5 to 8 have made encroachment in the Sarkar Manaikattu and roads in Survey Nos. 122/49, 122/40 and 122/48, K. Mudalipatti Village, Karambakudi Taluk, Pudukkottai District, by constructing septic tank, toilets, bathrooms, house shed and cattle shed and thereby, causing hindrance to the operation of the Over Head Tank constructed by the Panchayat in Survey No.122/49, the petitioner submitted a representation to the official respondents on 12.05.2022, and though the same was forwarded by the 1st respondent to the 2nd respondent to take necessary steps for removal of encroachment, according to the learned counsel for the petitioner, no further action was taken by the 2nd respondent. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the 2nd respondent to dispose of his representation dated 12.05.2022, within a time frame.



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6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 2nd respondent to consider the representation of the petitioner dated 12.05.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 5 to 8 and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
24.11.2022

Internet : Yes / No
Index : Yes / No
sj



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