



W.P(MD) No.26956 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

CORAM:

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

**W.P.(MD) No.26956 of 2022
and
WMP(MD) No.21120 of 2022**

C.Chinnachamy

... Petitioner

-VS-

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Revenue Divisional Officer,
Sankarankoil,
Tenkasi District.
3. The Tahsildar,
Sivagiri Taluk Office,
Sivagiri - 627 757,
Tenkasi District.
4. The Executive Officer,
Sivagiri Town Panchayat,
Sivagiri - 627 757,
Tenkasi District.
5. The Sub Inspector of Police,
Sivagiri Police Station,



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Sivagiri - 627 757,
Tenkasi District.

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6. P.Murugan

7. Auto G.Abimanyu

... 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 remove the encroachment made by respondents 6 and 7 in the poramboke land in Survey No.627/2799, Periyar Kadai Bazaar Part-II, Sivagiri Kaspas, Sivagiri Town Panchayat, Tenkasi District, by considering the petitioner's representation dated 14.11.2022.

For Petitioner : M/s.Mathuram Law Associates
Mr.S.Baskar Mathuram

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 to R4
Mr.T.Senthil Kumar
Additional Public Prosecutor for R5

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 remove the encroachment made by the respondents 6 and 7, in the poramboke land in Survey No. 627/2799, Periyar Kadai Bazaar Part-II, Sivagiri Kaspas, Sivagiri Town Panchayat, Tenkasi District, by considering the petitioner's representation dated 14.11.2022.



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2. Heard Mr.S.Baskar Mathuram, learned counsel for the petitioner; Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, appearing for the respondents 1 to 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, appearing for the fifth respondent.

3. Pointing out that the respondents 6 and 7, have made encroachments by constructing the commercial shops in the poramboke land in Survey No.627/2799, Periyar Kadai Bazaar Part-II, Sivagiri Kaspas, Sivagiri Town Panchayat, Tenkasi District, the petitioner submitted a series of representations to the official respondents on 14.11.2022, 19.11.2022 and the same, according to learned counsel for the petitioner, are unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 5, to consider and dispose of his representation dated 19.11.2022, in accordance with law, within a time frame, for which, the learned Additional Government Pleader appearing for the respondents 1 to 5 is agreeable.



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4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 5, to consider the representation of the petitioner dated 19.11.2022, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity of hearing to the petitioner, respondents 6 and 7 and all other parties concerned and also by following due process of law, 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.]
30.11.2022

Index : Yes / No
Internet : Yes / No
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To:

1. The District Collector,
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Tenkasi District.
3. The Tahsildar,
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Sivagiri - 627 757, Tenkasi District.



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4. The Executive Officer,
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