



W.P.(MD)No.26732 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

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

W.P(MD)No.26732 of 2022

U.Murugaiah

... Petitioner

Vs.

1.The District Collector,
Office of the Collector,
Virudhunagar District.

2.The District Revenue Officer and Additional District Magistrate,
Virudhunagar District.

3.The Tahsildar,
Vembakottai,
Virudhunagar District.

4.Muniamma

5.M.Sumathi

... 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 3 to remove the encroachments made by the respondents 4 and 5 in the odai by considering the representation of the petitioner dated 06.10.2022 within a time frame as may be fixed by this Hon'ble Court.

For Petitioner

: Ms.P.Jessi Jeeva Priya



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For Respondents 1 to 3 : Mr.N.GA.Nataraj
Government Advocate

* * *

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 3 to remove the encroachments made by the respondents 4 and 5 in the odai by considering his representation dated 06.10.2022, within a time frame.

2. Heard Ms.PJessi Jeeva Priya, learned counsel for the petitioner and Mr.N.GA.Nataraj, learned Government Advocate, 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.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 and 5 is dispensed with.



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4. Alleging that the respondents 4 and 5 have constructed a cracker shop within the safety distance of 15 meters from his agricultural land and put up a pathway obstructing the Odai in front of their property and thereby preventing the flow of the rain water, the petitioner submitted a representation to the official respondents on 06.10.2022, and though the same was forwarded by the 2nd respondent to the 3rd 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 3rd respondent to dispose of his representation dated 06.10.2022, within a time frame.

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



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Petition, this Writ Petition is disposed of with a direction to the 3rd respondent to consider the representation of the petitioner dated 06.10.2022, 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 4 and 5 and any other parties, the authorities 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.]
28.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

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3.The Tahsildar,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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