



W.P.(MD)No.26744 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**

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Muthuramalingam

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Kalaiyarkovil Taluk,
Kalaiyarkovil,
Sivagangai District.

5.Karutha Pillai

... 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 4 to remove the encroachment made by the 5th respondent in "Alagar Oorani" situated in S.Nos.137/1, 137/12, 137/13,



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Vaniyangudi Group, Sengulipatti Village, Kalaiyarkovil Taluk, Sivagangai District and to take further action in the light of the petitioner's representation, dated 17.10.2022, within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.K.Vinayagan

For Respondents 1 to 4 : Mr.V.Nirmal Kumar
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 4 to remove the encroachment made by the 5th respondent in "Alagar Oorani" situated in S.Nos.137/1, 137/12, 137/13, Vaniyangudi Group, Sengulipatti Village, Kalaiyarkovil Taluk, Sivagangai District, and to take further action in the light of the petitioner's representation, dated 17.10.2022, within a time frame.

2. Heard Mr.K.Vinayagan, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4. 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 5th respondent is dispensed with.

4. Alleging that the 5th respondent has made encroachment in "Alagar Oorani" situated in S.Nos.137/1, 137/12, 137/13, Vaniyangudi Group, Sengulipatti Village, Kalaiyarkovil Taluk, Sivagangai District, and though her claim for the same based on assignment patta has been negated by the 4th respondent she refused to remove the encroachment, the petitioner submitted a representation to the 1st respondent on 17.10.2022, and the same, according to the learned counsel for the petitioner, remains as such. 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 1st respondent to dispose of his representation dated 17.10.2022, 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 1st respondent to consider the representation of the petitioner dated 17.10.2022, and pass appropriate orders on merits and in accordance with law, after considering the materials to be produced by the petitioner and the 5th respondent. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 5th respondent 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



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and

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