



W.P.(MD)No.26794 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.26794 of 2022

Jothi

... Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Madurai.

2.The Superintending Engineer,  
Public Works Department,  
Tallakulam, Madurai.

3.The Executive Engineer,  
Periyar Vaikai Basin Division Office,  
Madurai – 2.

4.Mohammed Kaja

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to remove the encroachment made by the 4<sup>th</sup> respondent at Sampakulam Kanmoi, Sampakulam, Vadipatti Taluk, Madurai District, on the basis of the petitioner's representation dated 28.10.2022.



W.P.(MD)No.26794 of 2022

For Petitioner

: Mr.R.Manohar

For Respondents 1 to 3

: Mr.S.P.Maharajan

Special 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 3 to remove the encroachment made by the 4<sup>th</sup> respondent at Sampakulam Kanmoi, Sampakulam, Vadipatti Taluk, Madurai District, on the basis of his representation dated 28.10.2022.

2. Heard Mr.R.Manohar, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special 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.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4<sup>th</sup> respondent is dispensed with.



W.P.(MD)No.26794 of 2022

4. Alleging that the 4<sup>th</sup> respondent is illegally occupying the Sampakulam Kanmoi, Sampakulam, Vadipatti Taluk, Madurai District, damaged said Kankmoi and removed so many trees on the ground that he is having lease over the said Kanmoi for a period of 100 years, the petitioner submitted a representation to the official respondents on 28.10.2022, 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 2<sup>nd</sup> respondent to dispose of his representation dated 28.10.2022, 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 Petition, this Writ Petition is disposed of with a direction to the 2<sup>nd</sup> respondent to consider the representation of the petitioner dated



W.P.(MD)No.26794 of 2022

28.10.2022, and pass appropriate orders on merits and in accordance with law, after issuing notice and affording an opportunity of hearing to the petitioner, the 4<sup>th</sup> respondent and all other parties. 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

- 1.The District Collector,  
Madurai District,  
Madurai.
- 2.The Superintending Engineer,  
Public Works Department,  
Tallakulam, Madurai.
- 3.The Executive Engineer,  
Periyar Vaikai Basin Division Office,  
Madurai – 2.



WEB COPY



W.P.(MD)No.26794 of 2022

**R.MAHADEVAN, J.**

and

**J.SATHYA NARAYANA PRASAD, J.**

sj

W.P(MD)No.26794 of 2022

28.11.2022