



W.P(MD) No.26974 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.26974 of 2022
and
WMP(MD) No.21141 of 2022**

A.Manoharan

... Petitioner

-VS-

1. The District Collector,
Theni District.
2. The Assistant Director of Panchayats,
District Panchayath Office Campus,
Theni, Theni District.
3. The Block Development Officer
(Village Panchayat),
Theni Panchayath Union, Theni.
4. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Periyakulam at Tamaraikulam, Theni
District.
5. The Tahsildar,
Taluk Office, Theni.



W.P(MD) No.26974 of 2022

6. The Panchayat President,
Dharmaapurai Panchayath,
Theni Panchayath Union,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made in the Alamarathu Odai situate in Survey Nos. 257, 258, 273, 274 and 275 in Poomalaikundu Village, Dharmaapuri Panchayath, Theni District, by considering the representation dated 26.08.2022 of the petitioner and proceeding of second respondent dated 23.09.2022 and pass appropriate orders within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1 to 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 5 to remove the encroachment made in “Alamarathu Odai” in Survey Nos. 257, 258, 273, 274 and 275 in Poomalaikundu Village, Dharmaapuri Panchayath, Theni District, by considering the petitioner's representation dated 26.08.2022 and also considering the proceedings of second respondent dated 23.09.2022, within a time frame.



WEB COPY

2. Heard Mr.S.Siva Thilakar, learned counsel for the petitioner and Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Alleging that the sixth respondent along with some private persons attempting to convert the agricultural lands into house sites and misappropriating the panchayat funds for laying roads for the said house sites and thereby, encroaching the Odai in Survey Nos. 257, 258, 273, 274 and 275 in Poomalaikundu Village, Dharmaapuri Panchayath, Theni District, the petitioner submitted a representation to the official respondents on 26.08.2022, based on which, the second respondent *vide* his communication in Na.Ka.No.25879/2021/Q5 dated 23.09.2022, directed the third respondent to conduct inspection on the aforesaid lands and take appropriate action to remove the encroachments, if any and the same, according to the learned counsel, has not been done so far by the third respondent. 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



W.P(MD) No.26974 of 2022

26.08.2022, in accordance with law, within a time frame, for which, the learned Government Advocate, appearing for the respondents 1 to 5 is agreeable.

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 26.08.2022, 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 to all other parties concerned and also by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
30.11.2022

Index : Yes / No
Internet : Yes / No
pkn



W.P(MD) No.26974 of 2022

WEB COPY

To:

1. The District Collector,
Theni District.
2. The Assistant Director of Panchayats,
District Panchayath Office Campus,
Theni, Theni District.
3. The Block Development Officer
(Village Panchayat),
Theni Panchayath Union, Theni.
4. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Periyakulam at Tamaraikulam, Theni
District.
5. The Tahsildar,
Taluk Office, Theni.
6. The Panchayat President,
Dharmaapurai Panchayath,
Theni Panchayath Union,
Theni District.



WEB COPY



W.P(MD) No.26974 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

pkn

W.P.(MD) No.26974 of 2022

30.11.2022