



W.P.(MD)No.27045 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**

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Bose

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Sivagangai District – 630 562.
- 2.The District Revenue Officer,
RDO Office,
Sivagangai District – 630 562.
- 3.The Revenue Divisional Officer,
RDO Office, Sivagangai District – 630 562.
- 4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District – 630 561.
- 5.Kaleeswaran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents No. 1 to 4 to Remove the Encroachments made by the 5th respondent in Government lands in Survey Numbers 102/4 - to an extent of 0.14.0 Hectare, 102/5 - to an extent of 0.24.0 Hectares, 102/9 to an extent of 0.2.45 Hectare in Athappadaki Village Group and Survey Numbers 427 - to an extent of 0.94.0 Hectare and 14/5 - to an extent of 0.28.0 Hectare in Vettikulam village Group, Kalayarkovil Taluk, Sivagangai District based on the representation on 18.10.222 within a stipulate time that may be fixed by this Hon'ble Court.



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For Petitioner : Mr.R.Senthilkumar

For Respondents 1 to 4 : Mr.P.Thilak Kumar
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 4 to remove the encroachments made by the 5th respondent in Government lands in Survey Nos.102/4 - to an extent of 0.14.0 Hectare, 102/5 - to an extent of 0.24.0 Hectares, 102/9 - to an extent of 0.2.45 Hectare in Athappadaki Village Group and Survey Nos.427 - to an extent of 0.94.0 Hectare and 14/5 - to an extent of 0.28.0 Hectare in Vettikulam Village Group, Kalayarkovil Taluk, Sivagangai District, based on his representation dated 18.10.2022 within a time frame.

2. Heard Mr.R.Senthilkumar, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, 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 Government lands in Survey Nos.102/4 - to an extent of 0.14.0 Hectare, 102/5 - to an extent of 0.24.0 Hectares, 102/9 - to an extent of 0.2.45 Hectare in Athappadaki Village Group and Survey Nos.427 - to an extent of 0.94.0 Hectare and 14/5 - to an extent of 0.28.0 Hectare in Vettikulam Village Group, Kalayarkovil Taluk, Sivagangai District, and put up fencing and thereby, preventing the villagers from using the same as pasture lands for their cattle and access as pathway to reach the crematorium, the petitioner submitted a representation to the official respondents on 18.10.2022, 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 4th respondent to dispose of his representation dated 18.10.2022, 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 4th respondent to consider the representation of the petitioner dated 18.10.2022, 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 5th respondent and any other parties concerned, 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 twelve 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

Internet : Yes / No
Index : Yes / No
sj



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To

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and

J.SATHYA NARAYANA PRASAD, J.

sj

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