



W.P.(MD)No.27436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2022

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

W.P(MD)No.27436 of 2022

S.John Bosco

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Trichy District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Srirangam Division,
Srirangam, Trichy District.
- 3.The Tahsildar,
Srirangam Taluk Office,
Srirangam
Trichy District.
- 4.The Village Administrative Officer,
Navalur Kuttapattu Village,
Srirangam Division,
Trichy District.

5.Subramani

... 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



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4 herein to remove the illegal encroachments made by the 5th respondent in the property comprised in S.Nos.228/1 and 228/2 situated at Navalur Kuttapattu village, Srirangam Taluk, Trichy District, of an extent of 1 Acre 50 cents by considering the petitioner's representation dated 12.11.2022 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents 1 to 4 : Mr.P.Thilak 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 herein to remove the illegal encroachments made by the 5th respondent in the property comprised in S.Nos.228/1 and 228/2, situated at Navalur Kuttapattu village, Srirangam Taluk, Trichy District, of an extent of 1 Acre 50 cents by considering his representation dated 12.11.2022, within a time frame.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4. By consent



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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 5th respondent is dispensed with.

4. Alleging that the 5th respondent has illegally encroached an extent of 1 Acre 50 cents of Government Natham land in S.Nos.228/1 and 228/2, situated at Navalur Kuttapattu village, Srirangam Taluk, Trichy District, and levelled it for using the same for agricultural purposes, the petitioner submitted a representation to the official respondents on 12.11.2022, 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 third respondent to dispose of his representation dated 12.11.2022, 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 third respondent to consider the representation of the petitioner dated 12.11.2022, 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 2nd respondent and any other parties, the authorities concerned 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.]
02.12.2022

Internet : Yes / No
Index : Yes / No
sj



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sj

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