



W.P.(MD) No.27102 of 2022

WEB COPY 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.27102 of 2022

N.Rengaraj

... Petitioner

-Vs-

- 1.The District Collector,
Tenkasi, Tenkasi District.
- 2.The Block Development Officer,
Kuruvikulam Panchayat Union,
Tenkasi District.
- 3.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.
- 4.The President,
North Kuruvikulam Panchayat,
North Kuruvikulam,
Thiruvengadam Taluk, Tenkasi District.
- 5.The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.

... Respondents

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WEB CONTENT

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey Nos.499, 512, 522, 521, 520, 484, 515, 517, 513, 527/1, 531, 532, 534/2 in North Kuruvikulam Village, Thiruvengadam Taluk, Tenkasi District by implementing the letter of the 4th respondent dated 19.11.2022.

For Petitioner	: Mr.R.J.Karthick
For R1 & R3	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R2 & R4	: Mr.V.Nirmal Kumar, Government Advocate
For R5	: Mr.T.Senthil Kumar, Additional Public Prosecutor

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition is filed for issuance of Writ of a Mandamus, directing the respondents to remove the encroachment made in Survey Nos.499, 512, 522, 521, 520, 484, 515, 517, 513, 527/1, 531, 532, 534/2 in North Kuruvikulam Village, Thiruvengadam Taluk, Tenkasi District, by implementing the letter of the 4th respondent dated 19.11.2022.

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2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 and 3, Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents 2 and 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the 5th respondent.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that the residents of North Kuruvikulam Village made encroachment upon four car streets of Arulmigu Meenatchi Sundareshwarar Temple and also the water channel in the said village. Hence, one Rameshwaran sent a representation dated 22.09.2020 to the 1st respondent through online seeking removal of the aforesaid encroachments. The same was forwarded to the 2nd respondent, who in turn, forwarded the same to the 4th respondent on 17.11.2020. On receipt of the same, the 4th respondent conducted survey on 16.12.2021 and 17.12.2021 and during survey, as many as 147



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encroachers were identified. Hence, the 4th respondent issued notice to the encroachers on 21.12.2021 to remove the encroachments within 15 days. Aggrieved by the said notice, one of the encroachers has filed W.P.(MD)No.677 of 2022 before this Court, but later he withdrew the same and accordingly, the Writ Petition was dismissed as withdrawn, by order dated 23.02.2022. Thereafter, though the 4th respondent issued notice dated 01.04.2022 to the encroachers directing removal of the encroachments, the encroachments were not removed. Hence, the petitioner made a representation dated 14.07.2022 to the respondents to remove the aforesaid encroachments. On receipt of the same, the 4th respondent, vide letter dated 19.11.2022, requested the 3rd respondent to take action to remove the aforesaid encroachments. However, till date no action has been taken. Hence, this Writ Petition.

5.The learned Government Advocate for the respondents 2 and 4 submitted that appropriate action would be taken for removal of the encroachments in the place in question, by following due process of law, within a time frame.

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6.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to remove the encroachments in the light of the letter of the 4th respondent dated 19.11.2022, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

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

Index : Yes / No

Internet : Yes / No

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To

1.The District Collector,
Tenkasi, Tenkasi District.

2.The Block Development Officer,
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Tenkasi District.

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AND

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3.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

4.The President,
North Kuruvikulam Panchayat,
North Kuruvikulam,
Thiruvengadam Taluk, Tenkasi District.

5.The Inspector of Police,
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