



W.P.(MD) No.27255 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27255 of 2022

and

W.M.P.(MD)No.21385 of 2022

S.Suriyanarayanan

... Petitioner

-Vs-

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Adhi-Dravidar Welfare Officer,
O/o.The District Adhi-Dravidar Welfare Officer,
Collectorate, Madurai-625 020.
- 3.The Tahsildar,
Vadipatti Taluk Office,
Vadipatti Post & Taluk,
Madurai District.
- 4.The Special Tahsildar (ADW),
Unit-I, Collectorate, Madurai.

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5.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.

6.Mandai @ Raja

... 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 S.No.79/2, Mettur, Pannaikudi Village, Vadipatti Taluk, Madurai District and consequently, lay thar road in the existing mud-road for agriculture usage and to renovate the same periodically.

For Petitioner : Mr.M.Saravana Kumar

For R1 to R4 : Mr.N.GA.Nataraj,
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 Mandamus, directing the respondents 1 to 5 to remove the encroachment made in S.No.79/2, Mettur, Pannaikudi Village, Vadipatti Taluk, Madurai District and consequently, lay thar road in the existing mud-road for agriculture usage and to renovate the same periodically, within a time frame.

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2.Mr.N.GA.Nataraj, learned Government Advocate takes notice for the respondents 1 to 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the 5th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 6th respondent is dispensed with.

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

4.Pointing out the aforesaid encroachment, the petitioner made several representations to the official respondents, lastly on 25.10.2021. On receipt of the same, the 1st respondent, vide proceedings in Na.Ka.No.17736/2021/J3, dated 08.02.2022, directed the respondents 2 to 4 to take appropriate action on the representation of the petitioner dated 25.10.2021. Despite the direction, the respondents 2 to 4 have not taken any action. Hence, this Writ Petition is filed.

5.The learned Government Advocate for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner dated 25.10.2021

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would be considered on merits and appropriate action would be taken for removal of encroachment, if any, in the land in question by following due process of law, within a time frame.

6.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 25.10.2021 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the land in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) 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. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]
01.12.2022

Index : Yes / No

Internet : Yes / No

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