



W.P.(MD) No.27284 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.27284 of 2022

Velmurugan

... Petitioner

-Vs-

- 1.The District Collector,
Tenkasi, Tenkasi District.
- 2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.
- 3.The Block Development Officer (Village Panchayat),
Sankarankovil, Tenkasi District.
- 4.The President,
Veerasigamani Panchayat,
Veerasigamani, Tenkasi District.
- 5.The Inspector of Police,
Serndhamaram Police Station,
Tenkasi District.

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6.Kadaldurai

7.Kalyana Sundaram

... 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 in Survey Nos.1181, 1180/4, 1180/19, 1161/2, 1174/15, 1180/1, 1180/2, 1180/3, 77/1, 340 in Veerasigamani Village, Sankarankovil Taluk, Tenkasi District by implementing the proceedings of the 3rd respondent in BDOSKL/191/2022/B5, dated 17.11.2022.

For Petitioner : Mr.R.J.Karthick

For R1 to R4 : Mr.S.P.Maharajan,
Special Government Pleader

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 in Survey Nos.1181, 1180/4, 1180/19, 1161/2, 1174/15, 1180/1, 1180/2, 1180/3, 77/1, 340 in Veerasigamani Village, Sankarankovil Taluk, Tenkasi District by implementing the proceedings

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of the 3rd respondent in BDOSKL/191/2022/B5, dated 17.11.2022 within a time frame.

2.Mr.S.P.Maharajan, learned Special Government Pleader 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 respondents 6 and 7 is dispensed with.

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

4.According to the petitioner, the respondents 6 and 7 made encroachments in the lands in question. Hence, several complaints were made before the official respondents seeking removal of the same. After receipt of the same, a survey was conducted in the presence of the respondents 4 and 5. Thereafter, the 1st respondent, vide order dated 19.09.2022, issued directions



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with regard to the removal of encroachment in every Taluk. In compliance of the same, a survey was conducted and a detailed report has also been submitted by the 2nd respondent on 15.11.2022 to the 3rd respondent, who in turn, vide proceedings in BDOSKL/191/2022/B5, dated 17.11.2022, forwarded the same to the 4th respondent for taking action to remove the encroachments. Thereafter, since no action was taken, the petitioner has made a representation dated 18.11.2022. Finding inaction on the part of the official respondents, this Writ Petition is filed.

5.The learned Special Government Pleader for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner dated 18.11.2022 would be considered on merits and appropriate action would be taken for removal of encroachment, if any, in the lands 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



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petitioner dated 18.11.2022 and pass appropriate orders in the light of the proceedings of the 3rd respondent dated 17.11.2022 on merits and in accordance with law. If there is any encroachment in the lands 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 six (6) 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.]
01.12.2022

Index : Yes / No
Internet : Yes / No

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To

1. The District Collector,
Tenkasi, Tenkasi District.

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3.The Block Development Officer (Village Panchayat),
Sankarankovil, Tenkasi District.

4.The President,
Veerasigamani Panchayat,
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5.The Inspector of Police,
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