



W.P.(MD) No.27265 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.27265 of 2022

Ramakrishnan

... Petitioner

-Vs-

1.The District Collector,
Sivagangai, Sivagangai District.

2.Devakottai Municipality,
Represented by its Commissioner,
Devakottai, Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4.Saroja @ Sarasu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Government Poramboke Cart Track

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in Town Survey No.15, Ward K, Udaiyachi, Devakottai Town and Taluk,
Sivagangai District.

For Petitioner : Mr.R.J.Karthick
For R1 & R3 : Mr.V.Nirmal Kumar,
Government Advocate
For R2 : Mr.J.Anand Kumar

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 3 to remove the encroachment made by the 4th respondent in Government Poramboke Cart Track in Town Survey No.15, Ward K, Udaiyachi, Devakottai Town and Taluk, Sivagangai District, within a time frame.

2.Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents 1 and 3 and Mr.J.Anand Kumar, learned counsel takes notice for the 2nd respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 4th respondent is dispensed with.

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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 made by the 4th respondent, the petitioner made a representation dated 30.09.2022 to the official respondents, followed by another representation dated 01.10.2022, seeking removal of the same. Finding inaction on the part of the official respondents, this Writ Petition is filed.

5.The learned Government Advocate for the respondents 1 and 3, on instructions, submitted that the representations of the petitioner dated 30.09.2022 and 01.10.2022 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.



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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 consider the representations of the petitioner dated 30.09.2022 and 01.10.2022 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.

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

Index : Yes / No

Internet : Yes / No

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To

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