



W.P.(MD)No.27430 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**

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R.Senthilkumar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Tahsildar,
Srirangam Taluk,
Trichy District.

3.K.Devaraj,
Correspondent,
St. Mary's Primary School,
Emmous Nagar,
Nagamangalam Village,
Srirangam Taluk,
Trichy District.

4.A.J.Anbarason,
Correspondent Cum Secretary,
St. Joseph's Higher Secondary School and
Jericho Training Centre For the Blind and
the Handicapped,
Nagamangalam Village,
Srirangam Taluk,
Trichy District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the the 2nd respondent herein to remove the encroachments made by the 3rd and 4th respondents in the light of the order passed by the 1st respondent / District Collector Trichy, in his proceedings in Mu.Mu.AA1/19577/2022 dated 07.11.2022, on the basis of the petitioner's representation dated 10.08.2022, within a time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents 1 & 2 : 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 2nd respondent herein to remove the encroachments made by the respondents 3 and 4, in the light of the order passed by the 1st respondent/District Collector Trichy, in his proceedings in Mu.Mu.AA1/19577/2022 dated 07.11.2022, on the basis of his representation dated 10.08.2022, within a time frame.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Advocate,



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who accepts notice on behalf of the respondents 1 & 2. By consent 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 respondents 3 and 4 is dispensed with.

4. Alleging that the 3rd respondent has encroached an extent of 0.36.57 hectares and the 4th respondent has encroached an extent of 2.01.85 hectares in the waterbody in Kambarasampettai, Muthuarasanallur, Srirangam Taluk, Trichy, and conducting educational institutions, the petitioner submitted a representation to the official respondents on 10.08.2022, and though the 1st respondent – District Collector conducted a detailed enquiry and directed the revenue officials to remove the encroachments, no further action has been taken. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he



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would be satisfied, if a direction is issued to the second respondent to dispose of his representation dated 10.08.2022, in the light of the order passed by the 1st respondent/District Collector Trichy, in his proceedings in Mu.Mu.AA1/19577/2022, dated 07.11.2022, within a time frame.

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 second respondent to consider the representation of the petitioner dated 10.08.2022, in the light of the order passed by the 1st respondent/District Collector Trichy, in his proceedings in Mu.Mu.AA1/19577/2022 dated 07.11.2022, 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 respondents 3 and 4 and any other parties concerned, the authorities shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties concerned and by



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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

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To

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Tahsildar,
Srirangam Taluk,
Trichy District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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