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W.P.No.4370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4370 of 2023

Lingeswaran

.. Petitioner

Vs

1.The District Collector,,
Tiruppur District,
Tiruppur.

2.The Tahsildar,
Palladam Taluk,
Palladam,
Tiruppur District.

3.The President,
Malayampalayam Panchayat,
Ganapathipalayam Village,
Palladam Taluk,
Tiruppur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachments and illegal constructions put up in Old S.F.No.262-Part, New S.F.No.672 situate at Ganapathipalayam Village, Palladam Taluk, Tiruppur District, which is classified as Kovil Natham in



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the revenue records.

For the Petitioner : Mr.K.Govi Ganesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Lingeswaran, son of Ponnusamy, a resident of 3/165, Varathottam, Malayampalayam, Ganapathipalayam Village, Palladam Taluk, has filed this writ petition seeking issuance of a writ of mandamus directing respondents to remove the encroachments and illegal constructions put up in Old S.F.No.262-Part, New S.F.No.672 situate at Ganapathipalayam Village, Palladam Taluk, Tiruppur District.

2. Mr.K.Govi Ganesan, learned counsel for the petitioner, submitted that although the land in Old S.F.No.262(P), New S.F.No.672 situated at Ganapathipalayam Village, Palladam Taluk, is classified as Kovil Natham, the third respondent encroached upon



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the said Kovil Natham and constructed toilets for private use and is constructing a building for housing the Aavin Milk Society without any permission. Such encroachment, learned counsel pleaded, is preventing the view and easy access of the villagers to the temple. In this regard, the petitioner sent a representation on 1.12.2022 to the second respondent. Despite receipt of the representation, no action was taken by the respondent authorities. Hence, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents, submitted that if six weeks' time is granted to the respondent authorities, they will consider the representation of the petitioner and take appropriate action.

4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to consider the representation of the petitioner dated 1.12.2022 and pass orders in accordance with law. It is made clear that, if any encroachment is found, the same shall



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be removed in accordance with law after conducting a survey of the land in question with the assistance of the jurisdictional Surveyor.

The entire exercise is to be completed within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
15.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The District Collector,,
Tiruppur District,
Tiruppur.
- 2.The Tahsildar,
Palladam Taluk,
Palladam,
Tiruppur District.
- 3.The President,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
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