



W.P.No.24401 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.24401 of 2016

R.Abdul Majid

.. Petitioner

Vs.

- 1.The Collector
Office of the Collectorate
Villupuram District
- 2.The Tasildar
Marakanam Taluk Office
Villupuram District
- 3.The Block Development Officer
Marakanam Taluk, Villupuram District
- 4.A.Fathima Bi
W/o.Abdul Azeez, Gunimedu Village
Marakanam Taluk, Villupuram District
- 5.A.Mohammed Sherif
S/o.Abdul Azeez, Kayethemilath Street
Gunimedu Post, Marakanam Taluk
Villupuram 604 303



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6.A.Mohammed Thustakeer
S/o.Abdul Khader, No.2/111, Durga Street
Gunimedu Post, Marakanam Taluk
Villupuram - 604 303

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 1 to 3 to remove the encroachments made in Survey Nos.510/6 & 510/19, Thoulath Nagar Layout at Gunimedu Village, Marakanam Taluk, Villupuram District, within the time frame fixed by this Court.

For Petitioner	: Mr.D.Kumaralingam
For RR 1 & 2	: Mr.A.Selvendran Special Government Pleader
For R3	: Mr.R.Ravichandran
For R4	: Mr.P.T.Perumal
For R6	: Mr.S.Dawood

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Heard the learned counsel appearing for all the parties and also perused the materials available on record.



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2.This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 3 to remove the encroachments made in Survey Nos.510/6 & 510/19, Thoulath Nagar Layout at Gunimedu Village, Marakanam Taluk, Villupuram District.

3.According to the learned counsel for the petitioner, the petitioner has already sent a representation dated 12.08.2015 to the respondent authorities to remove the encroachments made in Survey Nos.510/6 & 510/19, Thoulath Nagar Layout at Gunimedu Village, Marakanam Taluk, Villupuram District. Upon receipt of the same, the second respondent has initiated the proceedings under the Tamil Nadu Land Encroachment Act, 1905. Thereafter, nothing progressed. Hence, the petitioner made another representation dated 07.03.2016 seeking removal of encroachments. However, no effective action has been taken, till date. Therefore, the petitioner is before this court with the present writ petition. The learned counsel further submitted that it would suffice, if a direction is given to the respondent authorities to consider the representation of the petitioner and pass orders, on merits, within a time frame to be stipulated by this court, for



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which, there is no serious objection on the side of the respondent authorities.

4.Considering the limited nature of the relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondent authorities, this court, without going into the merits of the case, directs the respondents 1 to 3 to consider the petitioner's representation dated 07.03.2016, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.

5.With the above directions, this writ petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
23.01.2023

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No
nsd



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WEB COPY To

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Marakanam Taluk, Villupuram District



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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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