



WEB COPY



W.P.No.36375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

and

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.36375 of 2023

V.Manivannan

... Petitioner

Vs.

1.The District Collector,
Erode District.

2.The District Revenue Officer,
Erode District.

3.The Revenue Divisional Officer,
Erode District.

4.The Assistant Director,
Panchayat, Erode District.

5.The Executive Officer,
Unjalur Village,
Kodumudi Taluk,
Erode District - 638 152.

6.Vinothkumar,
S/o.Anbarasu,
Unjalur Village,
Kodumudi Taluk,
Erode District - 638 152.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or order or directions in the nature of Writ, directing the respondent Nos.1 to 5 to consider the petitioner's representation dated 21.11.2023 and 18.12.2023 within a time frame to be fixed by this Court.

For Petitioner : Mr.A.M.Amutha Ganesh

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

(Order of the Court was made by
ABDUL QUDDHOSE. J.,)

This writ petition has been filed for a mandamus seeking for a direction to the respondent Nos.1 to 5 to consider the petitioner's representations dated 21.11.2023 and 18.12.2023 within a time frame to be fixed by this Court.

2. The petitioner claims that he is the owner of the property measuring an extent of 538 - 1/8 sq.ft. in Old.S.F.No.378/A1 corresponding to Natham Survey No.238/22 of Unjalur village. According to the petitioner, the respondents have now surveyed the property and taken measurement and



according to the respondents, the petitioner has encroached upon 3.4 meters on the east-west and 3 meters on the north-south, adjoining the petitioner's property. The petitioner claims that he has not encroached any Government land. Hence, he has submitted representations to the respondent Nos.1 to 5 on 21.11.2023 and 18.12.2023. In the said representations, though he has denied any encroachment, he has offered his willingness to pay the market value / guideline value for the alleged encroachment. However, according to the petitioner, till date, the representations of the petitioner have not been considered by the respondents. In such circumstances, this writ petition has been filed.

3. Mr.M.Bindran, learned Additional Government Pleader accepts notice on behalf of the respondent Nos.1 to 5. He seeks time to get instructions.

4. However, this Court is of the considered view that no prejudice will be caused to the respondents if the petitioner's representations as stated supra are considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. Accordingly, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's representations dated 21.11.2023 and 18.12.2023 stated supra, after giving opportunity of hearing to the petitioner as well as the sixth respondent and any other parties whom the respondent Nos.1 to 5 deem it fit to enquire, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this Writ Petition is disposed of. No Costs.

(AQJ) (GAMJ)
28.12.2023

Index : Yes/No
Speaking Order : Yes / No
ab/rkm



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To

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**ABDUL QUDDHOSE. J.,
and
G.ARUL MURUGAN.J.**

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