



W.P.(MD) No.1970 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1970 of 2023

R.Perumal Asari

... Petitioner

-Vs-

1.The District Collector,
Kokkirakulam, Tirunelveli-9.

2.The Commissioner,
Tirunelveli Corporation,
S.N.High Road, Tirunelveli-1.

3.The Tahsildar,
Tirunelveli Taluk, Tirunelveli-627001.

4.M.Muthu

... Respondents

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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 iron fencing laid down by the 4th respondent in Government Poramboke land comprised in T.S.Nos.991 & 992 situated in Melaveeraraghavapuram Ward, Thachanallur Town, Tirunelveli Taluk and District by considering the petitioner's representation dated 09.01.2023 within a time frame as stipulated by this Court.

For Petitioner : Mr.MP.Senthil
For R1 & R3 : Mr.K.Balasubramani,
Special Government Pleader
For R2 : Mr.S.P.Maharajan,
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the iron fencing laid down by the 4th respondent in Government Poramboke land comprised in T.S.Nos.991 & 992 situated in Melaveeraraghavapuram Ward, Thachanallur Town, Tirunelveli Taluk and District by considering the petitioner's representation dated 09.01.2023 within a time frame as stipulated by this Court.

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2.Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 1 and 3 and Mr.S.P.Maharajan, learned Standing 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.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, he made a representation dated 09.01.2023 to the respondents, seeking removal of iron fencing laid down by the 4th respondent in the lands in question. Since the same has not been considered till date, the petitioner has approached this Court with the aforesaid prayer.

5.The learned Special Government Pleader for the respondents 1 and 3, on instructions, submitted that the representation of the petitioner dated

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09.01.2023 will be considered on merits and appropriate orders would be passed within a time frame.

6.Considering the limited scope of the prayer sought for in the Writ Petition, without going into the merits of the case, we are inclined to direct the 3rd respondent to consider the representation of the petitioner dated 09.01.2023 and pass appropriate orders on its own merits and in accordance with law, after providing sufficient opportunity of hearing to the petitioner, the 4th respondent as well as to any other necessary parties. Such an exercise shall be completed within a period of twelve 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.

[D.K.K., J.] & [R.V., J.]
01.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

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To

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Kokkirakulam, Tirunelveli-9.

- 2.The Tahsildar,
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