



W.P(MD)No.3207 of 2023

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3207 of 2023**

G.Malaichamy

... Petitioner

VS.

1.The District Collector,  
Madurai District, Madurai.

2.The Revenue Divisional Officer,  
Thirumangalam, Madurai District.

3.The Tahsildar,  
Thirupparankundram,  
Madurai District.

4.Salma Begum

5.Shameem

6.Jeyakumar

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachments made by the respondents 4 to 6 in S.No.122/9D3 and 133/1A3L, Perungudi Village, Valaiyankulam Group, Thirupparankundram Taluk, Madurai District on the basis of the petitioner's representation, dated 04.02.2023.



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For Petitioner : Mr.R.Shankar Ganesh  
For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachments made by the respondents 4 to 6 in S.Nos.122/9D3 and 133/1A3L, Perungudi Village, Valaiyankulam Group, Thirupparankundram Taluk, Madurai District on the basis of the petitioner's representation, dated 04.02.2023.

2.According to the petitioner, he is a resident of Perungudi Village and the respondents 4 to 6 have encroached upon the property comprised in S.Nos.122/9D3 and 133/1A3L, Perungudi Village, Valaiyankulam Group, Thirupparankundram Taluk, Madurai District. Hence, the petitioner submitted a representation, dated 04.02.2023 to the respondents 1 to 3 seeking for the removal of the abovesaid encroachments. Since the same has not been considered, the petitioner has



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WEB CONFERENCE filed the present Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the property comprised in Survey No.122/9D3 belongs to a private person, namely Syed Ameer. Therefore, the prayer sought for by the petitioner for the removal of encroachment in respect of the said survey number will not arise. However, in respect of the other property in Survey No.133/1A3L, according to the respondents 1 to 3, there is no such sub-division in the aforesaid land. The learned Additional Government Pleader further submitted that one Manickam has filed an application for the removal of encroachment in Survey No.122/9D2.

4.The learned counsel appearing for the petitioner refuted the said statement made by the learned Additional Government Pleader and he seeks liberty to place all the materials before the authority concerned.

5.Considering the aforesaid disputed fact, the petitioner is directed to submit a representation along with relevant records to the third respondent within a period of two weeks from the date of receipt of a copy



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of this order. Thereafter, the third respondent is directed to consider the representation of the petitioner, dated 04.02.2023 and if any such application is submitted by one Manickam, the same shall also be taken up along with the petitioner's representation 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 and all other parties, the third respondent shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

**[D.K.K.,J.]      [L.V.G.,J.]**  
**16.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
ps

**4/6**



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**D. KRISHNAKUMAR,J.**  
**and**  
**L.VICTORIA GOWRI,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.3207 of 2023**

**DATED : 16.02.2023**