



W.P(MD)No.20038 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.20038 of 2015

A.Vimalanandhan

... Petitioner

vs.

1. The District Collector,
District Collector Office,
Trichy-1,
Trichy District.

2. The Commissioner,
Trichy City Corporation,
Trichy-1,
Trichy District.

3. The Tahsildar,
Taluk Office,
Trichy-1,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing 2nd respondent herein to remove the encroachments situated in S.F.No.



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158/14, Rajiv Gandhi Nagar lay-out, Ward No.40, Edmalaipattipudhur, Trichy-12, Trichy District, within a stipulated period as may be fixed by this Court in the light of petitioner's representation dated 16.09.2015.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

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

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 2nd respondent herein to remove the encroachments situated in S.F.No.158/14, Rajiv Gandhi Nagar lay-out, Ward No.40, Edmalaipattipudhur, Trichy-12, Trichy District, within a time frame, in the light of petitioner's representation dated 16.09.2015.

2. Despite the writ petition is pending for more than seven years, the respondents have not chosen to file counter affidavit. We seriously deprecate the attitude of the respondents in not filing the counter affidavit till date.



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3. The allegation of the petitioner is that Rajiv Gandhi Nagar lay-out, in Ward No.40, Edmalaipattipudhur, Trichy-12, Trichy District, is an approved lay-out. In the said lay-out, Old S.F.No.130/14 and New S.F.No.158/14, is earmarked for public park. In the said area, the 2nd respondent has constructed a temple and a primary school and therefore, the petitioner has filed this writ petition.

4. Learned counsel for the petitioner submitted that he has given a change of vakalat, but no memo is filed. However, considering the pendency of this writ petition and the nature of the relief sought for, we are inclined to dispose of this writ petition.

5. Learned Special Government Pleader appearing for the respondents submitted that the respondents will consider and dispose of the petitioner's representation dated 16.09.2015 and if there is any encroachment in the public park area, the same will be removed by due process of law within a time frame.



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6. Recording the aforesaid submission, the 3rd respondent is directed to consider and dispose of the representation dated 16.09.2015. The 3rd respondent is directed to verify the relevant revenue records and find out whether S.F.No.158/14, is earmarked for public park. If the said survey number is earmarked for public park, the 3rd respondent has to conduct a survey of the place in question and if there is any encroachment the same shall be removed after providing sufficient opportunity to all the parties concerned and by following due process of law within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of.
No costs.

[D.K.K.,J.] & [R.V.,J.]
23.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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