



W.P.(MD) No.3321 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM:

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

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Raja

... Petitioner

-VS-

1.The District Collector,
Office of the District Collector,
Karur District.

2.The Commissioner,
Office of the Karur Municipal Corporation,
Karur.

3.The Tahsildar,
Karur Town Taluk Office,
Karur District.

4.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.

5.Kamalakannan

... Respondents



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WEB COPY PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take immediate action for removal of the illegal encroachments made by the 5th respondent in the landed property comprised in S.No.862/10 situated at Vengakalpatti Village, Thanthonimalai, Karur District, considering the petitioner's representation dated 04.01.2024 within the time stipulated by this Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R3

Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R4

ORDER

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

This *pro bono* litigation has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents 1 to 4 herein to take immediate action for removal of the illegal encroachments made by the 5th respondent in the landed property comprised in S.No.862/10 situated at Vengakalpatti Village, Thanthonimalai, Karur District, considering the petitioner's representation dated 04.01.2024, within a time frame.



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2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the respondents 2 & 5 also, notice to the respondents 2 & 5 is dispensed with.

3. According to the petitioner, the fifth respondent has encroached upon the pathway in S.No. 862/10 of Vengakalpatti, Thanthonimalai Village, Karur District, and put up a compound wall. Therefore, he has made a representation dated 04.01.2024 to the official respondents to take action against the illegal encroachment made by the 5th respondent and since the same has not considered so far, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. According to the learned counsel for the petitioner, the petitioner would be satisfied if a direction is issued to the 3rd respondent to consider the representation of the petitioner dated 04.01.2024 on merits and in accordance with law.



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5. Considering the limited scope of the prayer now sought for by the petitioner, without going into the merits of the claim made by the petitioner either in the Writ Petition or in the representation, this Court directs the 3rd respondent to consider the representation of the petitioner dated 04.01.2024 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner, 5th respondent and any other interested parties concerned. It is needless to state that if any survey is conducted, the same shall be done after serving notice on the petitioner, 5th respondent and any other interested parties and if any encroachment is found, the same shall be removed in accordance with law.

6. With the aforesaid directions, the Writ Petition stands disposed of.

No costs.

[D.K.K., J.] [R.V., J.]
15.02.2024

Index : Yes / No
Internet : Yes / No
SJ



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