



W.P.(MD) No.5055 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.5055 of 2024

M.Lakshmi

... Petitioner

Vs.

- 1 The District Collector,
Office of the District Collector,
Madurai District.
 - 2 The Chairperson,
Divisional Monitoring Committee,
Irrigation Tank, Vellaripatti Village, Melur Taluk,
Madurai.
 - 3 The Tahsildar,
Taluka Office, Melur Taluk,
Madurai District.
 - 4 The Block Development Officer,
Block Development Office,
Melur Union,
Melur Taluk, Madurai District.
 - 5 The President,
Keelavalavu President Office, Keelavalavu,
Melur Taluk, Madurai District.
 - 6 P. Veeran
- ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos. 1 to 5 to take necessary steps to remove the encroachment made by the 6th respondent in public street in S.No.365/45 of Kulichevalpatti Keelavalavu Village, Melur Taluk, Madurai District in view of the notice issued under section 7 of Land Encroachment Act, 1905 by the Revenue Inspector, dated 24.08.2023 and considering the petitioner's representation, dated 21.11.2023 within the period as stipulated by this Honorable Court.

For Petitioner	:Mr.A.Atham Ali
For R-1 & R-3	:Mr.S.P.Maharajan, Special Government Pleader
For R-4 & R-5	:Mr.N.Satheesh Kumar, Additional Government Pleader

ORDER

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

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondent Nos. 1 to 5, to take necessary steps to remove the encroachment made by the 6th respondent in a public street in S.No.365/45 of Kulichevalpatti Keelavalavu Village, Melur Taluk, Madurai District, in view of the notice issued by the Revenue Inspector, dated 24.08.2023, under section 7 of Tamil Nadu Land Encroachment Act, 1905(in short 'the Act') and by considering the petitioner's representation, dated 21.11.2023.



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2. Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 & 3 and Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for the respondents 4 & 5.

3. In view of the nature of the order going to be passed, notice to the respondents 2 and 6, is dispensed with.

4. According to the petitioner, on 21.11.2023, she has made a representation to the respondents Authorities seeking for removal of encroachment made by the sixth respondent in the petition mentioned place, which is used as a pathway by the general public. Subsequently, a notice under Section 7 of the Act has been issued and thereafter, no action has been taken by the authorities. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

5. In view of the above, without going into the merits of the case, we direct the third respondent, to consider the petitioner's representation, dated 24.08.2023 and to take necessary action for the removal of encroachment in the place in question, after providing opportunity to the petitioner as well as the alleged encroacher in the said property. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.]

[P.D.B., J.]

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Index : Yes/No

NCC : Yes/No

PM

To:

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Block Development Office, Melur Union,
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