



W.P(MD)No.15798 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

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A.Rajpandi

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Assistant Director,
Town and Country Planning,
Madurai Corporation,
Madurai.
- 4.The Assistant Commissioner,
Madurai Corporation Zone-5,
Thiruparankundram,
Madurai.
- 5.The Tahsildar (Monitoring Committee),
Taluk Office,
Madurai South Taluk,
Madurai.



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6.The Assistant Engineer,
Madurai Corporation,
Thirupparankundram Zone – 5,
Madurai.

7.The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

8.R.Selvam

... 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 7 to remove the encroachment made by the eighth respondent in old Survey No.297/2B, new Survey No.297/112, situated at Vallananthapuram, Avaniyapuram Village, Madurai South Taluk, Madurai District by considering the petitioner's representation dated 02.07.2024 within the stipulated time fixed by this Court.

For Petitioner

: Mr.V.Karuna

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R.1, R.3 & R.5

: Mr.K.K.Kannan
Standing Counsel
for R.2, R.4 & R.6

: Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.7



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 to 7 to remove the encroachment made by the eighth respondent in old Survey No.297/2B, new Survey No.297/112, situated at Vallananthapuram, Avaniyapuram Village, Madurai South Taluk, Madurai District by considering the petitioner's representation dated 02.07.2024 within the stipulated time fixed by this Court.

2.Heard Mr.V.Karuna, learned counsel appearing for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1, 3 & 5, Mr.K.K.Kannan, learned standing counsel appearing for the respondents 2, 4 & 6 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the seventh respondent. In view of the order that is going to be passed in this Writ Petition, notice to the eighth respondent is hereby dispensed with.

3.It is the contention of the petitioner that old Survey No.297/2B, new Survey No.297/112 at Vallananthapuram, Avaniyapuram Village, Madurai South Taluk, Madurai District, belongs to the respondent



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Corporation, where there has been encroachment by the eighth respondent and in order to remove such encroachment, the petitioner had given a representation on 02.07.2024 to the official respondents for taking action and to pass orders. Since the same has not been considered, the petitioner has moved the present Writ Petition with the aforesaid prayer.

4.The learned standing counsel appearing for the respondent Corporation would submit that originally the land in question belonged to the private parties, subsequently, the patta has been transferred in the name of the Corporation, therefore, as of now, the present owner is the Corporation. Hence, in that land, if there has been any encroachment either by the eighth respondent or any other third parties or private parties that would be surveyed and identified and after survey and identification of the encroachment, if any, such encroachment would be removed in the manner known to law.

5.Having considered the said submissions made by the learned standing counsel appearing for the respondent Corporation, this Court is inclined to dispose of this Writ Petition with the following orders:



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'(i) That there shall be a direction to the second respondent Corporation to survey the land in question by giving notice to the eighth respondent or any other third parties, who have interest over the property including the petitioner and after survey if any encroachment is found out in the land belongs to the second respondent Corporation that shall be identified and accordingly, such encroachment shall be removed by the second respondent Corporation on merits and in accordance with law.

(ii) The needful as indicated above shall be undertaken by the second respondent/Corporation, within a period of two months from the date of receipt of a copy of this order.'

6.With this direction, the Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
15.07.2024

NCC : Yes / No
Index : Yes / No
ps

5/7



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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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