



W.P(MD)No.9760 of 2018

WEB COPY 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.9760 of 2018

R.Kamaraj

... Petitioner

VS.

- 1.The District Collector,
Tiruchy District,
Office of the Collectorate,
Tiruchy.
- 2.The Commissioner,
Corporation of Tiruchirappalli,
Cantonment,
Tiruchirappalli – 620 001.
- 3.The Assistant Commissioner,
Corporation of Tiruchirappalli,
Ariyamangalam Division,
Palakkarai,
Tiruchirappalli – 620 001.
- 4.The Inspector of Police,
Thiruverambur Police Station,
Thiruverambur,
Tiruchirappalli District.
- 5.Jaganathan
- 6.Murugan

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7.Mohan
8.R.Palani
9.S.Nathan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment to put up temporary structure of Hindu Temple in the Corporation land for the usage of Ariyamangalam Division of Corporation of Tiruchirappalli, overhead water tank, public library, V.A.O Office, Public Convenience, Well, Hand Pipe for drinking water at Ward No. 62, Survey No.199, Pappakurichi, Ariyamangalam Division, Tiruchirappalli Corporation Limit, Thiruverambur Taluk, Tiruchirappalli District, based on the letters 19.04.2017 and 19.03.2018 addressed to the respondents 1 and 2.

For Petitioner	: Mr.D.Veerasekaran
For Respondent No.1	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent Nos.2 & 3	: Mr.R.Baskaran Senior Counsel for M/s.R.B.Law Associates
For Respondent No.4	: Ms.M.Asha Government Advocate (Crl. Side)
For Respondent Nos.5 & 8	: Mr.A.N.Ramanathan



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ORDER

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

Prayer in this Writ Petition is to direct the respondents 1 and 2 to remove the encroachment in the Corporation land for the usage of Ariyamangalam Division of Corporation of Tiruchirappalli, overhead water tank, public library, V.A.O Office, Public Convenience, Well, Hand Pipe for drinking water at Ward No.62, Survey No.199, Pappakurichi, Ariyamangalam Division, Tiruchirappalli Corporation Limit, Thiruverambur Taluk, Tiruchirappalli District, based on the letters 19.04.2017 and 19.03.2018 addressed to the respondents 1 and 2.

2. Seeking removal of encroachments in the abovesaid property in question, the petitioner submitted letters, dated 19.04.2017 and 19.03.2018 to the respondents 1 and 2. Till date, no action has been taken. Hence, this writ petition.



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3. Learned Additional Government Pleader appearing for the first respondent would submit that the authority concerned will consider and dispose of the petitioner's letters, dated 19.04.2017 and 19.03.2018 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

4. Considering the submissions made on either side, without expressing any opinion on the claim made by the petitioner, the respondents 1 and 2 are directed to consider and dispose of the letters of the petitioner, dated 19.04.2017 and 19.03.2018, on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an 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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5. With the above direction, the Writ Petition is disposed of. No costs.

[D.K.K.,J.] [P.D.B.,J.]
04.03.2024

NCC : Yes / No
Index : Yes / No
ps

To

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- 4.The Inspector of Police,
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Thiruverambur,
Tiruchirappalli District.



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and
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ps

ORDER MADE IN
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DATED : 04.03.2024