



W.P(MD)No.9863 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

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

W.P(MD)No.9863 of 2018

K.Ganesan

... Petitioner

VS.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The Block Development Officer,
T.Kallupatti Town Panchayat,
Peraiyur Taluk,
Madurai District.

4.The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti Post,
Peraiyur Taluk,
Madurai District.

5.R.Gopalasamy Pandaram

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fourth respondent to remove the encroachments made by the fifth respondent in Survey No. 56/7, Ganapathi Pillai Street's road, Ganapathi Street, T.Kallupatti, Madurai District based on the petitioner's representation dated 13.04.2018.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For Respondent Nos.1 to 4 : Mr.V.Nirmal Kumar
Government Advocate

For Respondent No.5 : Mr.P.Mahendran

ORDER

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

Prayer in this Writ Petition is to direct the fourth respondent to remove the encroachments made by the fifth respondent in Survey No.56/7, Ganapathi Pillai Street's road, Ganapathi Street, T.Kallupatti, Madurai District based on the petitioner's representation, dated 13.04.2018.

2.According to the petitioner, the property in question is classified as a 'Nilaviyal Pathai' and for seeking removal of encroachments made by the fifth respondent, the petitioner made a representation, dated 13.04.2018 to the respondents 1 to 4. Till date, no action has been taken. Hence, this writ petition.

2/5



W.P(MD)No.9863 of 2018

WEB COPY

3.The learned Government Advocate appearing for the respondents 1 to 4 would submit that the second respondent will consider and dispose of the petitioner's representation dated 13.04.2018 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.

4.The learned counsel appearing for the fifth respondent would submit that the property in question is a private property.

5.Considering the submissions made on either side, the second respondent is directed to consider and dispose of the representation of the petitioner dated 13.04.2018, 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.

3/5



W.P(MD)No.9863 of 2018

WEB COPY

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

[D.K.K.,J.] [R.V.,J.]
28.02.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.



WEB COPY



W.P(MD)No.9863 of 2018

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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