



WEB COPY

OBEORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2013

CORAM:

THE HONOURABLE MR.JUSTICE K.N.BASHA
and
THE HONOURABLE MR.JUSTICE P.DEVADASS

Writ Petition (MD)No.1661 of 2013
and
M.P. (MD)No.1 of 2013

K.P.Muruganantham

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai, Sivagangai District.
- 2.The Sub Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.
- 3.S.Prameshwaran @ Chelladurai
- 4.S.Raman
- 5.Tamilselvi
- 6.Mohan

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the first and second respondents to remove the encroachment made by the third and fourth respondents herein in T.S.No.1306, T.S.No.1307, T.S.No.1310, T.S.No.1310-A and T.S.No.1310-B situated at Srivilliputhu Town, Virudhunagar District.

For Petitioner : Mr.G.Gomathi Sankar
For R1 and R2 : Mr.K.Mahesh Raja
Government Advocate

ORDER

[Order of the Court was made by
K.N.BASHA, J. & P.DEVADASS, J.]

The petitioner has come forward with this writ petition seeking for the relief of writ of Mandamus directing the first and second respondents to remove the encroachment made by the third and fourth respondents herein in T.S.No.1306, T.S.No.1307, T.S.No.1310, T.S.No.1310-A and T.S.No.1310-B situated at Srivilliputhu Town, Virudhunagar District.

2. Mr.K.Mahesh Raja, learned Government Advocate takes notice for respondents 1 and 2. As we are going to protect the interest of the respondents 3 to 6, we are of the view that notice need not be ordered in this matter.



3. By mutual consent of both the parties, the main writ petition itself is taken up for final disposal.

4. The learned counsel for the petitioner would submit that the petitioner has also preferred a representation seeking for the relief sought for in this matter.

5. Heard Mr.K.Mahesh Raja, learned Government Advocate on the submissions made by the learned counsel for the petitioner.

6. We have carefully considered the submissions made by either side and also perused the materials available on record.

7. Though the petitioner has come forward with the larger prayer, we are of the view that it is suffice for this Court to direct the first respondent herein to consider the representations of the petitioner dated 25.12.2011 and 21.01.2013. Accordingly, without going into the merits of the representations of the petitioner dated 25.12.2011 and 21.01.2013, we are constrained to direct the first respondent herein to consider the representations of the petitioner by affording opportunity to the petitioner and by serving notice to the respondents 3 to 6 and affording opportunity to them and other relevant parties and pass orders on merits and in accordance with law. The petitioner shall also furnish a fresh copy of the representations dated 25.12.2011 and 21.01.2013 within a period of ten days from the date of receipt of a copy of this order. In the event of receiving such representations, the above said exercise shall be completed by the first respondent within a period of twelve weeks from the date of receipt of copy of the representations.

8. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

rj2

To:

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai, Sivagangai District.

2.The Sub Inspector of Police,
Srivilliputhur Town Police Station, Srivilliputhur,
Virudhunagar District.

+1 cc to M/S.G.Gomathi sankar, Advocate Sr No.4251

+1 cc to Special Government Pleader Sr No.4684

Order in

W.P. (MD) No.1661 of 2013

Dated:31.01.2013