



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL**  
**AND**  
**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.20362 of 2017

P.Pakkeer Amma @ Parkish Begam : Petitioner

-Vs-

1.The District Collector,  
Theni District,  
Theni.

2.The Assistant Director of Panchayats,  
P.C.Patti,  
Theni, Theni District.

3.The Executive Officer,  
Devathanapatti Town Panchayat,  
Periyakulam,  
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to remove the encroachment made on the public pathway situated on the South Western side of the Petitioner house S.No.1905/2, Thadiva Nainar Street - East, 6<sup>th</sup> Ward, Devathanapatti, Periyakulam Taluk, Theni District.

|                     |                                                        |
|---------------------|--------------------------------------------------------|
| For Petitioner      | : Mr.R.Murugappan                                      |
| For Respondents 1&2 | : Mr.T.R.Janarthanan,<br>Additional Government Pleader |
| For Respondent No.3 | : Mr.T.S.Mohammed Mohideen                             |

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O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Mr.T.R.Janarthanan, Learned Additional Government Pleader, takes notice for the Respondents 1 and 2. Mr.T.S.Mohammed Mohideen, Learned Standing Counsel, takes notice for the third Respondent.

2. Heard both sides. No counter is filed on behalf of the Respondents 1 to 3.

3. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission.



4. According to the Petitioner, there is a public pathway on the South Western side of her land in Survey No.1905/2, which is now encroached. Because of this, she and her family are facing untold hardships. The said pathway is a public pathway.

5. The grievance of the Petitioner is that on 10.10.2017, she had addressed a representation to the Respondents to remove the encroachment made on the public pathway situated at South Western side of her land in Survey No.1905/2 in Thadiva Nainar Street, East, 6<sup>th</sup> Ward, Devathanapatti, Periyakulam Taluk, Theni District. Since her representation dated 10.10.2017 has not seen the light of the day till date, she has approached this Court by filing the present Writ Petition.

6. Considering the fact that the Petitioner's representation dated 10.10.2017 addressed to the Respondents is pending as on date without any progression in the subject matter in issue, this Court, at this stage, simpliciter, directs the third Respondent/the Executive Officer, Devathanapatti Town Panchayat, Periyakulam, Theni District, to look into the representation of the Petitioner dated 10.10.2017 in a fair, free, just, impartial and unbiased mind and to pass a reasoned speaking order, within a period of four weeks from the date of receipt of copy of this order, of course, after adhering to the Principles of Natural Justice and also issuing necessary notice to the Petitioner and concerned, if any (if need be/if situation so warrants). It is open to the Petitioner to raise all factual and legal pleas before the third Respondent, who shall take note of the same and meet out/answer the same at the time of passing the final orders.

7. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Theni District, Theni.

2.The Assistant Director of Panchayats, P.C.Patti,  
Theni, Theni District.

+One cc to M/s.R.Murugappan, Advocate, SR.No.85456

+One cc to M/s.T.S.Mohamed Mohideen, Advocate, SR.No.85481

+One cc to The Special Government Pleader, SR.No.85518

SML

RL/6C/2P/KK/SAR1/27/11/2017

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in  
W.P.(MD)No.20362 of 2017  
Dated : 06.11.2017