



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.841 of 2013

P.Poomurugan

.... Petitioner

vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Kadaladi Taluk Office,
Ramanathapuram District.

3.V.Kumaresan

4.V.Ramanathan

5.V.Murugan

(R3 to R5 are impleaded as per order dated
04.07.2017 made in WMP.3329 of 2017

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.07.2011 and pass an order to evict the encroachment in Old Survey No.187/3 and new Survey No.489/8, Sayalkudi Town, Ramanathapuram District.

For Petitioner : Mr.K.Kumaravel

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 & 2
No Appearance for RR3 to 5

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J)

The writ petitioner is aggrieved by the encroachment committed in respect of the public pathway in Old Survey No.187/3 and new Survey No.489/8, Sayalkudi Town, Ramanathapuram District.



2.The writ petitioner has enclosed the relevant revenue records in support of his contention. There can be no dispute that the said property is a public pathway. The allegation is that encroachment has been committed. In order to evict the encroachers, he submitted a representation to the authorities. Since no action was taken, this writ petition is filed.

3.We permit the petitioner to make a comprehensive representation to the second respondent in this regard. The second respondent is directed to enquire into the matter and cause the removal of the encroachment in the public street. It is needless to add that the second respondent shall issue due notice to the alleged encroacher or encroachers and cause removal of the encroachment only thereafter, adhering to due process of law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
Kadaladi Taluk Office,
Ramanathapuram District.

+1 cc to Mr.K.Kumaravel , Advocate in SR.No. 70539

Skm/Arul

AE/KK/SAR1/12.09.2017/2P/4C

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