



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.2223 of 2018

Saroja

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

3.Muthukannu

4.Kulanthaivel

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment in common pathway situated at Survey No.326/8A, Vellur, Orathanadu Taluk, Thanjavur District encroached by the third and fourth respondents within stipulated time by this Court.

For Petitioner	:	Mr.M.Ramu
For Respondents 1 and 2	:	Mr.V.R.Shanmuganathan Special Government Pleader

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

Heard Mr.M.Ramu, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2. Though the respondents 3 and 4 have been served and their names are printed in the cause list, none appears for them.

2.The petitioner's grievance is that the respondents 3 and 4 encroached into the common pathway comprised in Survey No.326/8A, Vellur, Orathanadu Taluk, Thanjavur District. In this regard, a representation has been sent to the respondents 1 and 2 on 29.01.2018, by way of speed post. Without giving reasonable time to the respondents 1 and 2 to take action, the petitioner has rushed to the Court immediately and filed a writ petition on 01.02.2018.



3. This is sufficient to dismiss the writ petition. However, considering the fact that there is an allegation of encroachment, we dispose of the writ petition by giving an opportunity to the petitioner to file a fresh representation before the second respondent along with the copy of this order, by appearing before the second respondent. If such representation is given, the second respondent shall take an appropriate action in accordance with law, after issuing notice to all concerned and after affording an opportunity to all persons and pass reasonable order on merits. This direction shall be complied with within a period of eight weeks from the date of receipt of such representation.

With the above direction, the writ petition stands disposed of.
No Costs.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

+1cc to Mr. M. Ramu, Advocate, SR.No. 52763

+1cc to M/s. Special Government Pleader, SR.No. 53359

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MRN

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