



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.8659 of 2018

A.S.Govindaraj

... Petitioner

Vs.

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3. The Tahsildar,
Sivakasi,
Virudhunagar District.

4. Palanikumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by the fourth respondent in cart-track (வண்டிப்பாதை) connecting Survey No.1008/2 from Survey No.1008/1, Sevalur Village, Sivakasi Taluk, Virudhunagar District by considering the representation of the petitioner, dated 02.04.2018 within a time frame.

For Petitioner

: Mr.S.C.Herold Singh

For RR 1 to 3

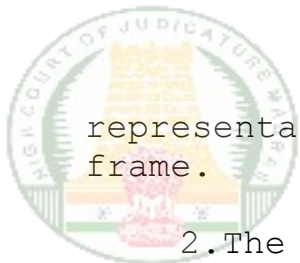
: Mr.R.Murugan,

Additional Government Pleader.

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by the fourth respondent in the cart-track connecting Survey No.1008/2 from Survey No.1008/1, Sevalur Village, Sivakasi Taluk, Virudhunagar District, by considering the



representation of the petitioner, dated 02.04.2018 within a time frame.

2.The learned counsel appearing for the petitioner submitted that though the second respondent had passed an order, dated 15.09.2017 for removal of encroachment, no steps have been taken so far by the authority. Further, the learned counsel submitted that the petitioner has given a representation, dated 02.04.2018 to the Superintendent of Police and other officials and the same may be considered by the authorities.

3.Mr.R.Murugan, learned Additional Government Pleader taking notice for the respondents 1 to 3 submitted that the petitioner has not given any representation to the second respondent. Therefore, the representation given to the police officials cannot be considered by the second respondent.

4.In view of the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for by the learned counsel appearing for the petitioner, we are of the considered view that it would be appropriate to give an opportunity to the petitioner to submit his representation to the second respondent within a time frame and in such a case, the second respondent can be directed to consider the same and pass orders in accordance with law. Accordingly, the petitioner is permitted to give a representation to the second respondent within a period of one week from the date of receipt of a copy of this order. On submission of the same, the second respondent is directed to consider and pass orders on merits and in accordance with law, after giving an opportunity of personal hearing to all the interested parties, within a period of four weeks from the date of receipt of the submission of the representation.

5.With these observations, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar,
Virudhunagar District.

<https://hcservicesreviewerservices.gov.in>
2. The District Divisional Officer,
Sivakasi,
Virudhunagar District.



3. The Tahsildar,
Sivakasi,
Virudhunagar District.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.62281

PS

VB/KKR/SAR1/09/05/2018/3P/5C

W.P (MD) No.8659 of 2018
19.04.2018