



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.8835 of 2018

S.Sundar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Commissioner of Madurai Corporation,
Madurai - 625 002.

3.The Revenue Divisional Officer,
Melur Division, Located at Othakadai,
Madurai - 625 107.

4.The Tahsildar,
Madurai East Taluk,
Madurai - 625 107.

5.M.Kasthuri

6.M.Solaimalai

7.M.Santhanam

8.V.S.Pandiyarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents ie., the District Collector, Madurai and the Revenue Divisional Officer, Melur Division at Othakadai to take action on the representation, dated 15.12.2017 of the petitioner and evict the encroachment in Survey No.78/3 of Melamadai 1st Bit, Madurai East, which is classified as public pathway within a specified time frame.

For Petitioner

: Mr.S.Visvalingam

<https://hcservices.courts.gov.in/hcservices/> 4

: Mr.M.Jeya Kumar,

Additional Government Pleader.



ORDER

(Order of the Court was made by M.DURAISWAMY,J.)

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the first and second respondents to take action on the representation of the petitioner, dated 15.12.2017 and evict the encroachers in Survey No.78/3 of Melamadai 1st Bit, Madurai East, which is classified as public pathway within a time frame.

2.The learned counsel appearing for the petitioner submitted that though the petitioner has given a representation as early as on 15.12.2017, the respondents 1 to 4 have not taken any action so far. Further, the learned counsel submitted that by notice, dated 03.01.2018, the third respondent called upon the fourth respondent to take action for the removal of the encroachment made in Survey No.78/3. However, the third respondent has not taken any action so far.

3.Mr.M.Jeya Kumar, learned Additional Government Pleader taking notice for the respondents 1 to 4 submitted that the third respondent being the appropriate authority, the third respondent may be directed to consider the petitioner's representation, dated 15.12.2017 and pass orders in accordance with law, after giving notice to all the interested parties.

4.In view of the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in this Writ Petition, without expressing any opinion with regard to the merits of the case, we direct the third respondent to consider the petitioner's representation, dated 15.12.2017 and pass orders on merits and in accordance with law, after giving notice to all the interested parties including the respondents 5 to 8, within a period of four weeks from the date of receipt of a copy of this order.

5.With this observation, the Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To
1.The District Collector,
Madurai - 625 020.



2.The Commissioner of Madurai Corporation,
Madurai - 625 002.

3.The Revenue Divisional Officer,
Melur Division, Located at Othakadai,
Madurai - 625 107.

4.The Tahsildar,
Madurai East Taluk,
Madurai - 625 107.

+1cc to Mr.S.VISVALINGAM, Advocate, SR.No.62418

+1cc to M/s.Special Government Pleader,SR.No.62475

W.P (MD) No.8835 of 2018
20.04.2018

PS

KK/KKR/08.05.2018/SAR-4/3P-7C