



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

WEB COPY

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND**

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.21833 of 2017

C.Subburaj

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai Taluk,
Aruppukottai,
Virudhunagar District.

3.The Block Development Officer,
Aruppukottai,
Virudhunagar District.

4.The Tahsildar,
Taluk Office,
Aruppukottai Taluk,
Virudhunagar District.

5.Muthulakshmi

6.Majestic Arockiasamy

7.Subbareddy

... Respondents

(respondents 4 to 7 are impleaded as per the order of this Court, dated 09.03.2018, vide W.M.P.(MD).No.1523 of 2018 in W.P.(MD).No.21833 of 2017)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider their representation dated 17.07.2017 and conduct an enquiry for encroaching the Street by the petty shop vendors on both sides of the Street situated in between Survey Nos.62 and 63 at Genganaickenpatti Street, Pandalgudi Post, Aruppukottai Taluk, Virudhunagar District and further ensure that there should not be any encroachment on the Genganaickenpatti Street which is the main access ear marked for public pathway to



reach the Main Road bearing S.F.No.59 situated at Keelapandalgudi Main Road, Pandalgudi Post, Aruppukottai Taluk, Virudhunagar District for vehicles and general public.

For Petitioner : Mr.V.R.Venkatesan
For Respondents 1 to 4 : Mr.D.Muruganantham
Additional Government Pleader
Respondents 5 to 7 : Dispensed with

ORDER

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

Heard Mr.V.R.Venkatesan, learned counsel appearing for the petitioner, and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 4. In the light of the order, we proposed to pass notice to the respondents 5 to 7 is dispensed with.

2.The petitioner has come forward with this writ petition, seeking for a direction upon the official respondents to evict the encroachers in Survey Nos.62 and 63 at Genganaickenpatti Street, Pandalgudi Post, Aruppukottai Taluk, Virudhunagar District.

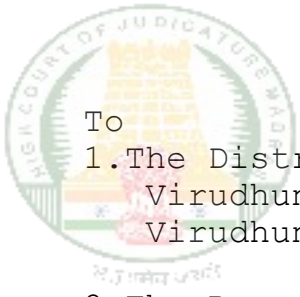
3.During the pendency of the writ petition, the representation given by the petitioner was considered by the District Collector and by memo in Oo.Mu.Gi2/1554-63/2017 dated 17.08.2017, has directed the Tahsildar/fourth respondent to look into the representation and take appropriate action and inform the same to the petitioner within a period of 60 days with due intimation to the first respondent. However, it appears that in spite of lapse of 60 days period, as mentioned in the communication of District Collector, the fourth respondent has not initiated action.

4.In the light of the above, there will be a direction to the fourth respondent to proceed further as directed by the District Collector in the proceedings dated 17.08.2017, as expeditiously as possible, preferably within 12 weeks from the date of receipt of copy of this order. We make it clear that we have not rendered any finding as to whether the respondents 5 to 7 are encroachers or not. This is to be decided by the fourth respondent. Before taking any action, the fourth respondent should issue notice to the respondents 5 to 7 and then only proceed in accordance with law.

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

Sd/-
Assistant Registrar (CS-III)

/True copy/



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai Taluk,
Aruppukottai,
Virudhunagar District.

3.The Block Development Officer,
Aruppukottai,
Virudhunagar District.

4.The Tahsildar,
Taluk Office,
Aruppukottai Taluk,
Virudhunagar District.

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Mrn

MS/SV-MMS/SAR-2/23.03.2018/3P.5C