



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

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**THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM
AND
THE HON'BLE Mrs. JUSTICE R.THARANI**

W.P. (MD) No.4841 of 2019
and
W.M.P. (MD) No.3851 of 2019

Subramanian

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
3. Mariappan Ambalam
4. R.Sathiya

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent forthwith to remove the encroachment made by the respondents 3 and 4 in the pathway in block No.258, situated at Valanaimuthupattanam, Kalaiyarkovil Taluk, Sivagangai District by considering the representation dated 06.02.2019.

For Petitioner : Mr.S.Pakalavan

For Respondents : Mr.Aayiram K.Selvakumar, AGP for R1 & 2

ORDER

(Order of the Court was made by K.KALYANASUNDARAM,J.)

The petitioner has come forward with this Writ petition for issuance of Writ of Mandamus, directing the second respondent to remove the encroachment made by the respondents 3 and 4 in the pathway in Block No.258 situated at Valanaimuthupattanam, Kalaiyarkovil Taluk, Sivagangai District by considering his representation dated 06.02.2019.



2.Mr.Aayeram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions from the second respondent office, would state that there is no encroachment as alleged by the petitioner.

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3.According to the learned counsel for the petitioner, no action was taken on his representation dated 06.02.2019 and the petitioner would be satisfied, if the second respondent is directed to pass orders on the representation of the petitioner.

4.Considering the nature of grievance expressed by the petitioner, this Court, without going into the merits of the matter, directs the second respondent to pass orders on the representation of the petitioner dated 06.02.2019 purely on merits and in accordance with law, after providing opportunity to all necessary parties. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-55102[F] dated 19/03/2019)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-55518[F] dated 20/03/2019)

NBJ

DS : 02/04/2019 : 2P/5C

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18.03.2019