



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.9154 of 2019

Arul Shanthi

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Kadayam Panchayat Union,
Kadayam, Tirunelveli District.

3.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

4.The Inspector of Police,
Kadaiyam Police Station,
Kadaiyam, Tirunelveli District.

5.Esakkipriya

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 4 to remove the encroachment put up by the fifth respondent in Government Road comprised in Survey Nos.257/1, 258, 259, 260, 261, 262, 263 and 264/1, situated at Sekkadi Street, South Kadaiyam, Ambasamuthiram Taluk, Tirunelveli District, based on the petitioner's representation, dated 26.03.2019 within a time as fixed by this Court.

For Petitioner

: Mr.A.Rajaram

For R-1, R-3 & R-4

: Mr.V.R.Shanmuganathan
Special Government Pleader

For R-2

: Mr.A.Thiagarajan

For R-5

: Mr.J.Jeyakumar



O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

Heard the learned counsel for the petitioner; the learned Special Government Pleader for the respondents 1, 3 and 4; the learned counsel for the second respondent and the learned counsel for the fifth respondent.

2.This writ petition is filed seeking for a direction to the respondents 1 to 4 to remove the encroachment put up by the fifth respondent in Government road comprised in Survey Nos.257/1, 258, 259, 260, 261, 262, 263 and 264/1, situated at Sekkadi Street, South Kadaiyam, Ambasamuthiram Taluk, Tirunelveli District, based on the petitioner's representation, dated 26.03.2019.

3.According to the petitioner, the fifth respondent has encroached upon the Government road and put up a construction thereby preventing the public from having free access on the said road. Therefore, the petitioner seeks for removal of such encroachment. The petitioner, ventilating such grievance, has made the said representation on 26.03.2019. It is stated that the said representation has not been considered by the official respondents, more particularly, the second respondent, so far.

4.The learned counsel for the second respondent, based on instruction, submitted that the said representation of the petitioner will be considered and appropriate orders will be passed after hearing all the parties concerned including the petitioner and the fifth respondent. Needless to say that if an allegation of encroachment is made and brought to the notice of the official respondents, they cannot keep quiet without considering the genuineness of such allegation and thereafter taking appropriate action on the same in accordance with law without loss of further time. Therefore, the second respondent is directed to consider the representation of the petitioner and pass orders on the same on merits and in accordance with law, after conducting field inspection as well. It is also made clear that before passing final orders, the second respondent shall hear the fifth respondent and other interested parties, apart from the petitioner as well. The whole exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
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Kadayam, Tirunelveli District.

3.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

4.The Inspector of Police,
Kadaiyam Police Station,
Kadaiyam, Tirunelveli District.

+1 CC to MR.A.RAJARAM, Advocate SR-67463.

Order made in
W.P. (MD) No.9154 of 2019
Dated: **07.06.2019**

CS: (17/06/2019) 5P 6C