



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.07.2019

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THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

AND

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

Writ Petition (MD) Nos.12963 and 12964 of 2019

and

W.M.P (MD) Nos.9658 and 9659 of 2019

G.Prema .. petitioner in W.P (MD) No.12963 of 2019

Yasotha .. petitioner in W.P (MD) No.12964 of 2019

Vs.

1.The District Collector,
District Collectorate Complex,
Virudhunagar District.

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

3.The Tahsildar,
Sattur Taluk, Virudhunagar District.

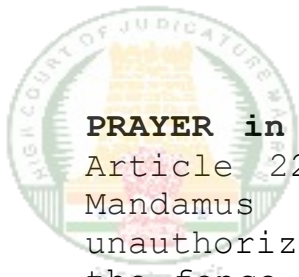
4.The Block Development Officer-cum-
Special Officer,
Sattur Village Panchayat Union/
Venkatachalapuram Panchayat,
Sattur, Virudhunagar District.

5.The Sub Inspector of Police,
Sattur Town Police Station,
Sattur, Virudhunagar District.

6.Rajathilagam

7.Solaichamy ..Respondents in both petitions

PRAYER in W.P (MD) No.12963 of 2019: 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 unauthorized fence immediately after the Majith Ul-Ah Mosque and the fence in front of the petitioner's house put up by the 6th and 7th respondents in the 15 feet public road running from the National Highways NH-7 towards East along the Survey Nos.26, 29 and 30 leading to the petitioner's property in Plot No.24 in Survey No.39, Bharathi Nagar, Padanthai village, Sattur Taluk, Virudhunagar District.



PRAYER in W.P(MD)No.12964 of 2019: 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 unauthorized fence immediately after the Majith Ul-Ah Mosque and the fence in front of the petitioner's house put up by the 6th and 7th respondents in the 15 feet public road running from the National Highways NH-7 towards East along the Survey Nos.26, 29 and 30 leading to the petitioner's property in Plot Nos.22 and 23 in Survey No.30, Bharathi Nagar, Padanthai village, Sattur Taluk, Virudhunagar District.

In both petitions;

For Petitioners : Mr.M.Kannan
For Respondents : Mr.N.Shanmugaselvam
Addl. Govt. Pleader
(for R1 to R3 and R5)

No appearance (for R4, R6 & R7)

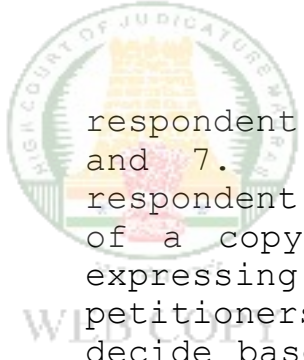
COMMON ORDER

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

Both the writ petitions are filed for Mandamus directing the respondents 1 to 4 to remove the unauthorized fence put by the respondents 6 and 7 in front of the petitioners' house at Survey Nos.26, 29 and 30 of Bharathi Nagar, Padanthai village, Sattur Taluk, Virudhunagar District.

2.Though notice was served to the respondents 6 and 7 in these writ petitions, they have not chosen to appear either in person or through counsel. Their names are printed in the cause list.

3.The grievance of the petitioners is that the respondents 6 and 7 have unauthorizedly put up fence in front of their house thereby preventing their access to the main road. In other words, it is contended by the petitioners that the 6th and 7th respondents have encroached upon the public road and put the fence, without having any authority to do so. Ventilating such grievance, the petitioners have already made a representation before the official respondents on 28.05.2019. It is stated that the said representation is still pending. Since the private respondents 6 and 7 have not come forward to put forth their case before this Court, in spite of notice in these writ petitions, this Court is left with no other option except to dispose of the writ petition by directing the fourth respondent to consider the grievance of the petitioners and take appropriate action, in case the respondents 6 and 7 have put up some fence by occupying the public road. Needless to say that before taking any action, the fourth



respondent shall hear the petitioners as well as the respondents 6 and 7. The entire exercises shall be done by the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that we are not expressing any view on the merits of the claim made by the writ petitioners, as it is for the fourth respondent to consider and decide based on the respective claim to be made by the respective parties.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
District Collectorate Complex,
Virudhunagar District.
 - 2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.
 - 3.The Tahsildar,
Sattur Taluk, Virudhunagar District.
 - 4.The Block Development Officer-cum-
Special Officer,
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Sattur, Virudhunagar District.
 - 5.The Sub Inspector of Police,
Sattur Town Police Station,
Sattur, Virudhunagar District.
- +2 CC to M/s.M.KANNAN, Advocate SR-78702.
+1 CC to SPL GP SR-78999.

Writ Petition(MD)Nos.12963 and 12964 of 2019

and

W.M.P(MD)Nos.9658 and 9659 of 2019

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