



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.P.(MD)No.19843 of 2018

A.Palsamy

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Madurai 625 020.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti,
Madurai District.

4.Ramu

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachment made by the 4th respondent in public pathway and government Poramboke land on either side of Survey No.447/67 situated at Karugapillai Village, Kasbah Mudhalaikulam, Usilampatti Taluk, Madurai District, within the time stipulated by this Court.

For Petitioner

: Mrs.K.Vidya

For Respondents

: Mr.V.R.Shanmuganathan, Spl.G.P.for

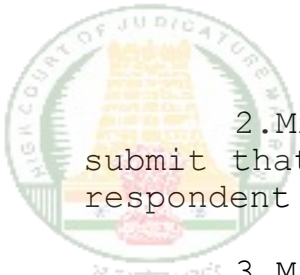
R1 to 3

Mr.V.Perumal for R4

ORDER

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

The petitioner has come forward with the present Writ petition, seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachment made by the 4th respondent in the public pathway and Government Poramboke land in Survey No.447/67 at Karugapillai Village, Kasbah Mudhalaikulam, Usilampatti Taluk, Madurai District.



2.Mr.J.Lawrance, learned counsel for the petitioner would submit that it would suffice, if a direction is issued to the third respondent to consider the representation of the petitioner.

3.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 would state that the representation of the petitioner would be considered in accordance with law.

4.According to the fourth respondent, there is no encroachment in the public pathway.

5.However, considering the limited scope of the prayer sought for in the Writ petition and the submissions of the learned counsel on either side, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the representation of the petitioner dated 28.07.2018 and pass orders purely on merits and in accordance with law, after providing sufficient opportunity to all necessary parties, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate Building,
Madurai 625 020.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti,
Madurai District.

+1cc to Mr.V.Perumal, Advocate, SR.No. 59073

+1cc to Mr.J.LAWRANCE, Advocate, SR.No. 58877

+1cc to M/s.Special Government Pleader,SR.No. 59270

W.P.(MD)No.19843 of 2018
03.04.2019

NBJ