



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.07.2019
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition(MD)No.4271 of 2018

P.Appadurai ... petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Virudhunagar District,.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Virudhunagar District.

3.J.Eswari
4.G.Annadurai
5.A.Maniraj
6.S.Suruliyammal
7.M.Vellaichami
8.K.Raja
9.S.Muthuvellaiyappan
10.P.Boomari

... Respondents

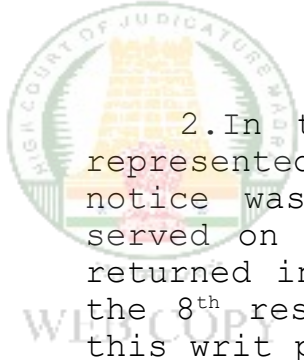
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent No.2 to take appropriate action on the basis of the direction issued by the respondent No.1 in O.M.G.2/9431/2016 dated 24.03.2016 and considering the representation submitted by the petitioner dated 09.01.2018 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.N.Shanmugaselam
Addl. Govt. Pleader
(for R1 and R2)

O R D E R

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

This writ petition is filed seeking for a Mandamus directing the second respondent to take appropriate action on the basis of the direction issued by the first respondent in proceedings in O.M.G.2/9431/2016 dated 24.03.2016 and by considering the representation submitted by the petitioner, dated 09.01.2018.



2. In this writ petition, the official respondents are being represented through the Additional Government Pleader. Though notice was ordered to the private respondents and the same was served on the respondents 4, 6, 9 and 10 and the said notice was returned in respect of 3, 5 and 7 and further as it is stated that the 8th respondent is also no more, we are inclined to dispose of this writ petition without affecting the interest of either parties only with a direction to the second respondent to consider the representation of the petitioner and pass orders on the same on merits and in accordance with law, after hearing all the parties.

3. It is claimed by the petitioner that the private respondents have made encroachment at S.No.289/8A1A and 289/8A1B of Sundararajapuram village. According to the petitioner, the disputed property is a common pathway and therefore, the private respondents are not entitled to encroach upon the same.

4. We are not expressing any view on the merits of the claim made by the petitioner at this stage, as the private respondents are not made their presence and expressed their case before us. However, as it is stated that the petitioner has already made a representation on 09.01.2018 to the above affect, it is for the second respondent to consider the same and pass orders on merits and in accordance with law after hearing the petitioner as well as the private respondents. Such 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.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Office of the District Collector,
Virudhunagar District,.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Virudhunagar District.

+1 CC to MR.R.ALAGUMANI, Advocate (SR-78666[F] dated 30/07/2019)

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