



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAN
and
THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition No.16360 of 2018

P.K.P.Sundara Mahalingam

... Petitioner

Vs.

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

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

3.The Commissioner,
Office of the Commissioner,
Virudhunagar Municipality,
Virudhunagar.

4.Kumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachments made by the respondent No.4 on the public pathway, by considering the petitioner's representation dated 09.07.2018 within a time stipulated by this Court.

For Petitioner	:	Mr.R.Velmurugan
For R1 & R2	:	Mr.S.Angappan Government Advocate
For R3	:	Mr.M.Muthu Gethyan
For R4	:	Mr.M.Jothi Basu



O R D E R

(Order of the Court was made by T.S.SIVAGNANAN,J.)

Heard Mr.R.Velmurugan, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the respondents 1 and 2, Mr.M.Muthu Gethyan, learned counsel appearing for the third respondent and Mr.M.Jothi Basu, learned counsel appearing for the fourth respondent.

2. This writ petition has been filed to remove the encroachment alleging that the fourth respondent has encroached the public pathway.

3. The fourth respondent has raised technical objection before this Court stating that two of the authorities viz., Tahsildar and the Executive Officer of the concerned Panchayat are not parties. However, this cannot deter us from issuing directions especially, when the head of the Revenue District viz., the District Collector is a respondent in the writ petition. Therefore, we direct the following the authorities:

(i) The Tahsildar, Aruppukottai Taluk, Virudhunagar District,
(ii) The Executive Officer, Periyavallikulam Panchayat, Arupukottai Panchayat Union, Virudunagar District,
to take further action, pursuant to the petitioner's representation, dated 09.07.2018.

4. The petitioner is directed to forward the copy of the representation along with the copy of this order to the above mentioned two authorities within one week from the date of receipt of a copy of this order. On receipt of the representation and the direction issued by this Court, inspection be conducted and appropriate action be taken, after issuing notice to the fourth respondent.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

akv



To

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Collector Office Campus,
Virudhunagar District.
- 3.The Commissioner,
Office of the Commissioner,
Virudhunagar Municipality,
Virudhunagar.

Copy to:

- 1.The Tahsildar,
Aruppukottai Taluk, Virudhunagar District.
- 2.The Executive Officer, Periyavallikulam Panchayat,
Arupukottai Panchayat Union, Virudunagar District.

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-90920[F] dated 03/10/2019)

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-91007[F] dated 03/10/2019)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-91074[F] dated
03/10/2019)

+1 CC to M/s.GP (SR-91212[F] dated 03/10/2019)

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JMN(24.10.2019) 3P : 10C