



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.15361 of 2013
and M.P. (MD) No.1 of 2013

Veerapathiran

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Aruppukkottai,
Virudhunagar District.
- 3.The Village Administrative Officer,
M.Thottiyankulam,
Sempatti,
Aruppukkottai Taluk,
Virudhunagar District.
- 4.The President,
Sempattai Panchayat,
Aruppukkottai Taluk,
Virudhunagar District.
- 5.Muthirulan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent on the public pathway, which is going to near by the petitioner's house constructed on Survey No.44-6A, situated at Mettu Thottiyankulam Village, Aruppukkottai Taluk, Virudhunagar District.

For Petitioner : Mr.R.Murugappan

For Respondent Nos.1 to 3 : Mr.R.Baskaran
Standing Counsel for Government

For Respondent Nos.4 and 5 : No appearance

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O R D E R

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

Heard Mr.R.Murugappan, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent Nos.1 to 3.

2.The petitioner seeks for a direction upon respondent Nos.1 to 4 to remove the encroachment made by the 5th respondent on the public pathway, which is going near by the petitioner's house, constructed on Survey No.44-6A, situated at Mettu Thottiyankulam Village, Aruppukkottai Taluk, Virudhunagar District.

3.In the counter affidavit filed in July, 2015 in paragraph No.5, there is an admission that there is an encroachment committed by the fifth respondent. It is not clear whether the authorities have taken any steps for removal of encroachment. Though the fifth respondent has received the notice, he has not entered appearance either in person or through counsel.

4.However, taking into consideration the fact that the Writ Petition is pending from 2013 and counter was filed somewhere in 2015, we dispose of the Writ Petition, directing the petitioner to give a fresh representation to the second respondent along with a copy of this order as well as the counter affidavit filed in this Writ Petition, indicating the relevant paragraph and if any representation is given, the second respondent shall consider the same, issue notice to the fifth respondent and the petitioner and proceed further in accordance with law. The above exercise shall be completed within a period of eight weeks from the date of receipt of the fresh representation.

5.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

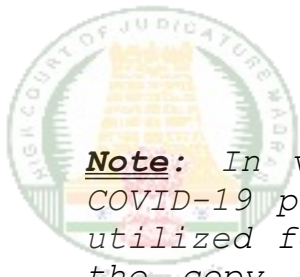
Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

sj



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Aruppukkottai,
Virudhunagar District.
- 3.The Village Administrative Officer,
M.Thottiyankulam,
Sempatti,
Aruppukkottai Taluk,
Virudhunagar District.

W.P. (MD) No.15361 of 2013
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SSS (CO)
TR(19.07.2021) 3P 4C