



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD) No.2100 of 2020

WEB COPY

Ayyanan

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Taluk Office,
Melur Taluk,
Madurai District.

3.The Firka Surveyor,
Taluk Office,
Melur Taluk,
Madurai District.

4.Kallanai
5.Moozhikathan
6.kallanai

7.The Block Development Officer,
Panchayat Union Office,
Melur,
Madurai District.

8.The President,
Arittapatti Panchayat,
Melur,
Madurai District.

... Respondents

[R7 and R8 are impleaded vide order dated 30.07.2021]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to instruct the 2nd & 3rd respondents to remove the encroachment made by the respondents 4 to 6 in the public pathway situated at Survey No.455/13 at Arittapatti Village, Melur Taluk, Madurai District, based on the representation dated 14.12.2019.

For Petitioner
For R1 to R3

: Mr.R.Murugan
: Mr.A.K.Manikkam
Standing Counsel for Government



ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

In the petition, the grievance pertains to the encroachment by the private respondents in a public pathway at survey No.455/13 at Arittapatti Village, Melur Taluk of Madurai District.

2.The grievance of the petitioner is that despite previous representations, including one on December 14, 2019, the official respondents have paid no heed to the same.

3.Mr.A.K.Manikkam, learned standing counsel for the State takes notice on behalf of the respondent Nos.1 to 3 and submits that the second respondent-Tahsildar will be the appropriate authority to look into the matter.

4.Accordingly, W.P.(MD)No.2100 of 2020 is disposed of, by permitting the petitioner herein to carry a fresh, detailed representation in respect of the matters complained of herein to the second respondent-Tahsildar within a fortnight from date, whereupon the second respondent will inquire into the matter and afford an opportunity of hearing to both the petitioner and any other person who may be affected by his order before passing a reasoned order within ten weeks of the receipt of the petitioner's representation.

5.Since this order is made without going into the merits of the matter and the second respondent has been directed to hear the private respondents and any other person likely to be affected by the order that the second respondent may pass, the petition is disposed of without notice to the private respondents.

There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
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Madurai.

2.The Tahsildar,
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3.The Firka Surveyor,
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5.The President,
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Melur,
Madurai District.

+1CC to The Special Government Pleader (SR24968)

W.P. (MD) No.2100 of 2020
30.07.2021

KS

RS (11.08.2021) 3P-7C