



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.5405 of 2021

WEB COPY

K.Ramakrishnan

.. Petitioner

Vs

1. The District Collector,
Dindigul District,
Dindigul.
2. The Tahsildar,
Aathur Taluk,
Aathur,
Dindigul District.
3. The Block Development Officer,
Aathur Panchayat Union,
Sempatti,
Dindigul District.
4. The President,
Thoppampatti Panchayat,
Aathur Panchayat Union,
Dindigul District.

5. Thangamani

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the Respondents 1 to 4 to remove the encroachments made by the 5th Respondent herein in the public pathway namely public street in Pula No.219/9 situated at North Street, Thoppampatti, Samiyarpatti Post, Dindigul District based on the representation of the Petitioner dated 22.02.2021, to the 1st Respondent within a time frame as fixed by this Hon'ble Court.

For Petitioner

: Mr.B.Prahalad Ravi

For Respondent Nos.1 to : Mr.K.Mu.Muthu

3 Additional Government Pleader

For Respondent Nos.4 & 5 : No appearance



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition has been filed for the issuance of a writ of Mandamus, to direct the Respondents 1 to 4 to remove the encroachments made by the 5th Respondent herein in the public pathway namely public street in Pula No.219/9 situated at North Street, Thoppampatti, Samiyarpatti Post, Dindigul District, based on the representation of the Petitioner, dated 22.02.2021, to the 1st Respondent within a time frame.

2.Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for respondent Nos.1 to 3.

3.Learned Additional Government Pleader appearing for respondent Nos.1 to 3 on instructions submitted that there are three encroachments in the public street and one of the encroacher is the fifth respondent.

4.Since we are disposing of this Writ Petition without hearing the fifth respondent, we do not wish to give any positive directions. However, we are of the view that the official respondents should take action when there is encroachment in public pathway and they shall not wait till somebody files a Public Interest Litigation to direct them to take action. If the official respondents do not take action for removal of encroachments, they will be failing in their official and public duty.

5.In view of the above, we direct the fourth respondent to take appropriate action to consider the representation of the petitioner dated 22.02.2021, on merits and after affording an opportunity of personal hearing to the petitioner, the fifth respondent and others concerned, they shall take appropriate action and proceed in accordance with law as expeditiously as possible.

6. The writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-II)

// 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,
Dindigul District,
Dindigul.
2. The Tahsildar,
Aathur Taluk,
Aathur,
Dindigul District.
3. The Block Development Officer,
Aathur Panchayat Union,
Sempatti,
Dindigul District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-17416[F] dated 26/04/2021)

+1 CC to M/s.SPL GP (SR-17522[F] dated 26/04/2021)

W.P. (MD) No.5405 of 2021
23.04.2021

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(CO)
SSS(10.05.2021) 3P 6C