



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM

**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM
AND**

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.6324 of 2021

S.Shanmugeshwari

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sattur,
Virudhunagar District.
- 3.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam, Virudhunagar District.
- 4.A.Arumuga Nayinar

... 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 3 to remove the encroachments made by 4th respondent in the common pathway comprised in S.No.75/15H, 77/8, situated at Nallamangalam Village, Rajapalayam Taluk, Virudhunagar District by considering the petitioner's representation dated 25.02.2021 and 11.08.2020 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Thalaimutharasu

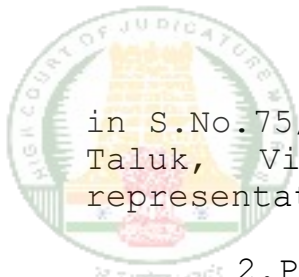
For Respondent Nos.1 to 3 : Mr.K.P.Krishnadass
Special Government Pleader

For Respondent No.4 : Mr.S.Balaji
* * * * *

ORDER

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

The writ petition has been filed, seeking for issuance of a Writ of Mandamus, directing respondent Nos.1 to 3 to remove the encroachments made by 4th respondent in the common pathway comprised



in S.No.75/15H, 77/8, situated at Nallamangalam Village, Rajapalayam Taluk, Virudhunagar District by considering the petitioner's representations dated 25.02.2021 and 11.08.2020 within a time frame.

2. Petitioner alleges that the fourth respondent has encroached upon the common pathway. Pursuant to her representation, notices were issued to the fourth respondent to appear for an enquiry.

3. Learned counsel for the fourth respondent submitted that he does not have any instruction.

4. In any event, this Court is not going into the fact as to whether any encroachment has been made or not, but inclined to dispose of the Writ Petition because both the parties have already been issued notice for an enquiry.

5. Therefore, we direct the fourth respondent to submit his objections to the third respondent in writing within eight weeks from the date of receipt of a copy of this order. Along with the objections, he shall enclose all documents in support of his claim. After receipt of the objections, the third respondent shall offer opportunity of hearing to the fourth respondent or his authorised representative and after considering the same, shall pass a speaking order on merits and in accordance with law within a period of six weeks from the date of receipt of the objections. Till then, the status quo prevailing as on today shall be maintained.

6. The Writ Petition is disposed of with the above directions. No costs.

SD
ASSISTANT REGISTRAR (RECORDS)

TRUE COPY

/05/2021
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,
Office of the District Collector,
Virudhunagar District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam, Virudhunagar District.

1CC TO MR. G. THALAIMUTHARASU,ADVOCATE SR 16825
1CC TO THE SPL GOVT PLEADER SR 16711

TR
03/05/2021
3P/6C

W.P. (MD)No.6324 of 2021

19.04.2021

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