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WP(MD) No.20179 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.20179 of 2014

and M.P.(MD) No.1 of 2014

(Through Video Conference)

P.Thangam

...Petitioner

Vs.

1) The District Collector,
Theni District,
Theni.

2) The Tahsildar,
Bodinayakanur Taluk,
Theni District.

3) The Village Administrative Officer,
Kodangipatti Village,
Bodinayakanur Taluk,
Theni District.

4) The President,
Kodangipatti Village Panchayat
Bodinayakanur Taluk, Theni District.

5) Ramaraj Kodangi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment in S. No. 1075 at Kodangipatti Village on the basis of the representation dated 24.09.2014 in accordance with law within the time stipulated by this Court after giving opportunity to the 5th respondent.

For Petitioner : Mr.D.Sadiq Raja

For RR 1 to 3 : Mr.M.Muniasamy,

Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 24.09.2014 wherein the petitioner is seeking for the removal of the encroachment made by the fifth respondent in the public pathway.

2. The grievance of the petitioner is that the fifth respondent has blocked a public pathway and thereby has prevented the villagers from accessing the pathway. The petitioner made a representation in



this regard to the respondents on 24.09.2014. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.D.Sadiq Raja, learned counsel for the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing for the respondents. The fifth respondent has been served notice and his name has also been printed in the cause list and there is no representation either in person or through counsel.

4. Taking into consideration the facts and circumstances of the case, and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 24.09.2014 after affording an opportunity to the petitioner and the fifth respondent and pass orders, strictly in accordance with law within a period of six(06) weeks from the date of receipt of a copy of this order.

5. The petitioner is directed to give a fresh representation to the second respondent alongwith all the relevant documents and also a copy of this order.

6. This writ petition is disposed of with the above directions. No costs. Consequently, connected M.P.(MD) No.1 of 2014 is closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

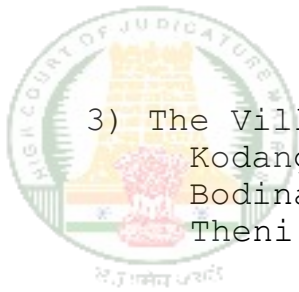
Sub Assistant Registrar(CS)

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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,
Theni District, Theni.
- 2) The Tahsildar,
Bodinayakanur Taluk,
Theni District.



3) The Village Administrative Officer,
Kodangipatti Village,
Bodinayakanur Taluk,
Theni District.

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KB(10.05.2021) 3P 4C

W.P. (MD) No.20179 of 2014
20.04.2021