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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.2009 of 2022
and
W.M.P.No.2160 of 2022

M.Vijayasekaran

...Petitioner

Vs.

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.The Tahsildar,
Perundurai Taluk, Perundurai,
Erode District.

4.V.N.S.Manickavasagam,
5.P.Gopalasamy
6.S.Dharmalingam

...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 encroachment made by the respondents 4 to 6 by way of put up steel gate on the public street situated in S.No.629/14, Chennimalai B-Village Perundurai Taluk, Erode District.

For petitioner : Mr.C.Prakasam

For respondents : Mr.V.P.R.Elamparithi
Addl. Govt. Pleader for R1 to R3

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Mr.V.P.R.Elamparithi, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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2.This writ petition has been filed seeking a direction to the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 at S.No.629/14, Chennimalai B-Village, Perundurai Taluk, Erode District.

3.The learned counsel appearing for the petitioner Mr.C.Prakasam would state that the petitioner owns land in S.No.629/15 (Natham) at Chennimalai B Village and on the norther side of his property, a public pathway is running in S.No.629/14, which is classified as 'Sarkar Promboke'. According to the learned counsel, the said pathway is under encroachment by the respondents 4 to 6, hence, a representation was given. Though the second respondent had issued notice to the private respondents to attend enquiry, but subsequently, there is no progress and hence, the present writ petition.

4.The learned Additional Government Pleader appearing for the official respondents would state that the enquiry is being conducted by the second respondent and he is ready to pass orders in accordance with law.

5.In the light of the prayer sought for in this writ petition and the submission of the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to conclude the enquiry and pass orders in accordance with law, after affording opportunity to all the necessary parties, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

skn

To

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode, Erode District.



3.The Tahsildar,
Perundurai Taluk, Perundurai,
Erode District.

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and
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KG (CO)
SB (01/03/2022)