



W.P.(MD)No.3494 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.3494 of 2020

Sudar Olivu

... Petitioner

Vs.

1. The District Collector,
Tenkasi District.

2. The Commissioner /,
Block Development Officer,
Pappakudi Panchayat Union,
Pappakudi.

3. The Divisional Engineer,
State Highways, Tenkasi.

4. Nainar Nadar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3, to remove the encroachment made upon the Road Margin by the fourth respondent forthwith, which is situating in front of the petitioner's house.

For Petitioner

: Mr.J.Parekh Kumar



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For Respondents

: Mr.S.P.Maharajan
Additional Government Pleader
for R1 and R3
Mr.K.Mu.Muthu for R2
No appearance for R4

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 3, to remove the encroachment made by the fourth respondent upon the Road Margin, situated in front of his house.

2. Heard Mr.J.Parekh Kumar, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.K.Mu.Muthu, learned counsel appearing for the second respondent.

3. Pointing out that the fourth respondent has made encroachment at the road margin, which is situated on the eastern side of the petitioner's land in Survey No.876/7, Pudupatti Village, Alangulam Taluk, Tenkasi District and thereby preventing free ingress and egress to his property, the petitioner submitted a representation dated 11.12.2019, to the respondents 1 to 3, which



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according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 3 to consider and dispose of his representation dated 11.12.2019, on merits and in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 3, to consider the representation of the petitioner dated 11.12.2019, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner, fourth respondent and all other parties concerned and also by due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
20.10.2022

Internet : Yes / No
Index : Yes / No
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