



W.P.(MD)No.3247 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.3247 of 2020

C.M.Adaikkan

... Petitioner

Vs.

1. The State Rep By,
The District Collector, Pudukottai District.

2. The Tahsildar,
Thirumayam Taluk,Pudukottai District.

3. K.Rajakumari

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.10.2019 and the legal notice dated 30.11.2019 and consequently to direct the second respondent to remove the encroachment made by the third respondent in the common passage, comprised Survey No.427/2 without any further delay.

For Petitioner

: Mr.C.Christopher

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader
for R1 and R2
Mr.A.C.Asaithambi for R3



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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 second respondent to remove the encroachment made by the third respondent in the common passage in Survey No.427/2, based on his representation dated 25.10.2019 and the legal notice dated 30.11.2019.

2. Heard Mr.C.Christopher, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.A.C.Asaithambi , learned counsel appearing for the third respondent.

3. Pointing out that the third respondent has made encroachment in a common passage along with Government poramboke land in Survey No.427/2 at Vettukadu Village, Thirumayam Taluk, Pudukottai District and thereby preventing free ingress and egress to the petitioner's agricultural land, the petitioner submitted a representation dated 25.10.2019, to the second



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respondent, which 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 second respondent to consider and dispose of his representation dated 25.10.2019, 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 second respondent, to consider the representation of the petitioner dated 25.10.2019, 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, third 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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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

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