



W.P.(MD) No.3804 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.3804 of 2022

and

W.M.P.(MD)No.11511 of 2022

K.Vemban

... Petitioner

-Vs-

1.The District Collector,
Office of the Collectorate,
Ramanathapuram, Ramanathapuram District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

3.The Tahsildar,
Taluk Office, Mudukulathur Taluk,
Ramanathapuram District.

4.Jeyachandran

... Respondents

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WEB CONTENT

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent public pathway in S.Nos.400/11, 400/12, 400/13 in Kakkor Village, Mudukulathur Taluk, Ramanathapuram District.

For Petitioner : Mr.D.Senthil
For R1 to R3 : Mr.V.Nirmal Kumar,
Government Advocate
For R4 : Mr.K.Arunraj

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the 4th respondent in the public pathway in S.Nos.400/11, 400/12, 400/13 in Kakkor Village, Mudukulathur Taluk, Ramanathapuram District.

2.Learned counsel for the petitioner submitted that the petitioner is having his house property in S.No.47/2B3 and he has to reach his house property only through the public pathway situated in Government poramboke lands in

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S.Nos.400/11, 400/12, 400/13, but the 4th respondent encroaching the said public pathway, put up a petty shop preventing the public from using the said pathway. Though the petitioner made a representation dated 22.01.2022 to remove the said encroachment and pursuant thereto, the 2nd respondent also vide proceedings in Na.Ka.P2/596/2022 dated 28.01.2022 directed the 3rd respondent to survey the pathway in question and to remove the encroachment, if any therein, till date, the said encroachment made by the 4th respondent is not removed. Hence, this writ petition.

3.Learned Government Advocate appearing for the official respondents submitted that the official respondents will consider and dispose of the petitioner's representation dated 22.01.2022 and appropriate action will be taken to remove the encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.



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4. Recording the above submissions, the respondents 1 to 3 are directed to consider and dispose of the representation of the petitioner dated 22.01.2022 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

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

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Index : Yes / No

Internet : Yes / No

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