



W.P.(MD)No.5213 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.10.2022

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.5213 of 2021

S.Murugan

... Petitioner

Vs.

1. The District Collector,
O/o.District Collectorate,
Tenkasi.

2. The District Revenue Officer,
District Revenue Office,
Tenkasi.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
District Collectorate Cambus,
Tenkasi.

4. The Tahsildar,
Aalankulam Taluk,
Tenkasi District.

5. The President,
Kattupava Jumma Masjit,
Kazhuneerkulam,
Aalankulam Taluk,
Tenkasi District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachments made in public pathway in Survey No.565 situated at Kazhuneerkulam Revenue Village, Aalankulam Taluk, Tenkasi District, by way of constructing the compound wall length about 179 feet by the fifth respondent, within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 to R4
Mr.M.Mahaboob Athiff for R5

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 4 to remove the illegal encroachments made by the fifth respondent in public pathway in Survey No.565, at Kazhuneerkulam Revenue Village, Aalankulam Taluk, Tenkasi District, by way of constructing the compound wall, within a time frame.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for respondents 1 to 4 and Mr.M.Mahaboob Athiff, learned counsel for the fifth respondent.



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3. Pointing out that the public pathway in Survey No.565, at Kazhuneerkulam Revenue Village, Aalankulam Taluk, Tenkasi District, is encroached by the fifth respondent by constructing a compound wall, the petitioner submitted a representation dated 20.01.2021, to the respondents 1 to 4 and the same, according to 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 4 to consider the representation of the petitioner dated 20.01.2021, in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the respondents 1 to 4, to consider the representation of the petitioner dated 20.01.2021 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, fifth respondent and any others concerned, necessary action has to be taken by the authorities for removal of such encroachment on the aforesaid public pathway. Such an



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exercise shall be completed 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.]
26.10.2022

Internet : Yes / No
Index : Yes / No
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To

1. The District Collector,
O/o.District Collectorate,
Tenkasi.

2. The District Revenue Officer,
District Revenue Office,
Tenkasi.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
District Collectorate Cambus,
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4. The Tahsildar,
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