



W.P.(MD)No.9010 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.10.2022

CORAM

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

W.P.(MD)No.9010 of 2021

K.Parthiban

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Aruppukottai Division,
Aruppukottai,
Virudhunagar District.

2. The Tahsildar,
Kariyappatti Taluk,
Kariyappatti,
Virudhunagar District.

3. Raja

4. Poosamani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in public street in Survey Nos. 223/6 and 223/30, at Aviyur Village, Kariyappatti Taluk, Virudhunagar District, by considering the petitioner's representation dated 05.10.2020 in view of the



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Government Order in G.O.Ms.No.540, Revenue Department dated 04.12.2014.

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For Petitioner

: Mr.K.Elancheziyan

For Respondents

: Mr.S.P.Maharajan

Special Government Pleader

for R1 and R2

No appearance for R3 and 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 and 2 to remove the encroachment made by the respondents 3 and 4 in a public street in Survey Nos. 223/6 and 223/30, at Aviyur Village, Kariyappatti Taluk, Virudhunagar District, by considering his representation dated 05.10.2020 and the Government Order in G.O.Ms.No.540, Revenue Department dated 04.12.2014.

2. Heard Mr.K.Elancheziyan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 and 2.



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3. Pointing out that the respondents 3 and 4 have encroached the aforesaid public street in Survey Nos.223/6 and 223/30, at Aviyur Village, Kariyappatti Taluk, Virudhunagar District, by constructing four houses and thereby causing obstruction to the movement of the public on the said street, the petitioner submitted a representation dated 09.12.2020, to the official respondents, 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 respondents 1 and 2, to consider and dispose of his representation dated 09.12.2020, 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 the 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 and 2 to consider the representation of the petitioner dated 09.12.2020 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, respondents 3 and 4 and



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any others concerned, respondents 1 and 2 are directed to take necessary action for removal of the encroachment, 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 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 Revenue Divisional Officer,
Aruppukottai Division,
Aruppukottai,
Virudhunagar District.

2. The Tahsildar,
Kariyappatti Taluk,
Kariyappatti,
Virudhunagar District.



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