



W.P.(MD)No.10056 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.10056 of 2021
and W.M.P(MD) No.7775 of 2021

Ramasamy

... Petitioner

Vs.

1. The District Collector,
Trichy District.

2. The Revenue Divisional Officer,
Musiri, Trichy District.

3. The Tahsildar,
Musiri Taluk, Trichy District.

4. The Executive Officer,
Mettupalayam Town Panchayat,
Musiri Taluk, Trichy District.

5. Subramani

6. Kalyani

7. Anbalagan



W.P.(MD)No.10056 of 2021

8. Annavi

... 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 prevent any encroachment of the public road in Survey No.478, Morupatti Village, Musiri Taluk, Trichy District, including the bitumen portion and the side spaces on both sides, by the respondents 5 to 8 either by constructing any temple or in any other manner whatsoever.

For Petitioner	: Mr.T.R.Jeyapalam
For Respondents	: Mr.V.Nirmal Kumar Government Advocate for R1 to R3 Ms.K.Priyanka for R4 No appearance for R5 to R8

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 prevent any encroachment on the public road in Survey No.478, Morupatti Village, Musiri Taluk, Trichy District, by the respondents 5 to 8 either by constructing any temple or in any other manner.



W.P.(MD)No.10056 of 2021

WEB COPY

2. Heard Mr.T.R.Jeyapalam, learned counsel for the petitioner; Mr.V.Nirmal Kumar, learned Government Advocate, appearing for the respondents 1 to 3 and Ms.K.Priyanka, learned counsel, appearing for the fourth respondent.

3. Pointing out that the respondents 5 to 8 have made encroachment on a public road in Survey No.478, Morupatti Village, Musiri Taluk, Trichy District, by constructing a small temple and thereby causing obstruction to the movement of the public on the said road, the petitioner submitted a representation dated 19.11.2020, to the respondents 1 to 4, 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 to 4 to consider and dispose of his representation dated 19.11.2020, 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



W.P.(MD)No.10056 of 2021

authorities concerned, to consider the representation of the petitioner dated 19.11.2020 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, necessary action has to be taken by the authorities concerned for removal of the same, 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. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
26.10.2022

Internet : Yes / No
Index : Yes / No
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To

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W.P.(MD)No.10056 of 2021

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