



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD) No.10071 of 2022

WEB COPY

Inbam

.. Petitioner

Vs.

1.The District Collector,
Collector Office,
Madurai - 625 020.

2.The Tahsildar,
West Taluk Office,
Madurai West,
Virattipathu,
Madurai District.

3.The Block Development Officer,
Thiruparankunram Panchayath Union,
Thirunagar Office,
Madurai - 625 006.

4.Karadipatti Village Panchayath,
Represented by its President,
Karadipatti,
Madurai District, Madurai.

5.Gunasekaran

6.Efsifa

7.Sivaji

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to initiate appropriate legal proceedings against the encroachers including the respondent Nos.5 to 7 and to remove the encroachments made in 20 feet road and 10 feet green lawn which are situated in Survey Nos.41/1, 41/1B and 41/2, Vadivel Nagar, Karadipatti Village, Madurai West Taluk, Madurai District and retain the above said 20 feet road and 10 feet green lawn for the public use based on the representation dated 01.02.2022 and the subsequent representation dated 15.05.2022 within a stipulated time fixed by this Court.

For Petitioner

: Mr.R.Karunanidhi

For RR 1 & 2

: Ms.D.Farjana Ghoushia

Special Government Pleader



ORDER

[Order of the Court was made by **ABDUL QUDDHOSE, J.**]

This Writ Petition has been filed seeking for a Mandamus to consider the petitioner's representations, dated 01.02.2022 and 15.05.2022 requesting the respondent Nos.1 to 4 to initiate appropriate legal proceedings against the alleged encroachers, namely respondent Nos.5 to 7.

2.According to the petitioner, respondent Nos.5 to 7 have encroached upon a public road which is situated in Survey Nos.41/1, 41/1B and 41/2, Vadivel Nagar, Karadipatti Village, Madurai West Taluk, Madurai District. The said road, according to the petitioner, is 20 feet and there is also a 10 feet green lawn. Admittedly, the petitioner's representations referred to supra have not been considered till date by the respondents.

3.No prejudice would be caused to the official respondents if the petitioner's representations are considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well respondent Nos.5 to 7 including granting them the right of personal hearing. The petitioner claims that he is a resident of the area where the respondents 5 to 7 are alleged to have encroached the public road.

4.For the foregoing reasons, this Court directs the second and third respondents to pass final orders on the petitioner's representations, dated 01.02.2022 and 15.05.2022 seeking for initiation of legal action against the respondents 5 to 7 for the alleged encroachment of the public road situated in Survey Nos.41/1, 41/1B and 41/2, Vadivel Nagar, Karadipatti Village, Madurai West Taluk, Madurai District on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and the respondents 5 to 7 including granting them the right of personal hearing.

5.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



To

1.The District Collector,
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Madurai - 625 020.

2.The Tahsildar,
West Taluk Office,
Madurai West,
Virattipathu,
Madurai District.

3.The Block Development Officer,
Thiruparankunram Panchayath Union,
Thirunagar Office,
Madurai - 625 006.

4.The President,
Karadipatti Village Panchayath,
Karadipatti,
Madurai District,
Madurai

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-23844[F]
dated 19/05/2022)

+1 CC to M/s.SPL.GP (SR-23814[F] dated 19/05/2022)

W.P (MD) No.10071 of 2022
18.05.2022

PK (CO)

GC (31.05.2022) 3P 7C