



W.P.(MD)No.13136 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2022

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

and

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

W.P(MD)No.13136 of 2019

V.Mohanraj

... Petitioner

Vs.

1. The District Collector,
Collector's Office, Dindigul District,
Dindigul - 624 005.

2. The Tahsildar,
Aathur Taluk, Dindigul District.

3. The Director,
The Gandhi Gram Institute of Rural
Health and Family Welfare Trust,
Soundram Nagar, Gandhigram Post,
Dindigul District-624 302.

(R3 impleaded vide order dated
31.07.2019, made in
W.M.P(MD) No.11829/2019)

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to take necessary steps to remove the encroachment in Survey No.149, Keelakottai Village, Aathur Taluk, Gandhi Gram Panchayat, Dindigul District.



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For Petitioner
For Respondents

: Mr.N.Sundareshan
: Mr.S.P.Maharajan
Special Government Pleader
for R1 and R2
Mr.M.Vijayakumar for R3

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 second respondent to take necessary steps to remove the encroachment in Survey No.149, Keelakottai Village, Aathur Taluk, Gandhi Gram Panchayat, Dindigul District.

2. Heard N.Sundareshan, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Vijayakumar, learned counsel for the third respondent.

3. Pointing out that some persons have made encroachments on the service road and thereby obstructing free movement of vehicles to reach their residences, the petitioner submitted a representation dated 10.04.2019, to the second respondent, which according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the



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petitioner would be satisfied if a direction is issued to the second respondent, to consider the representation of the petitioner dated 10.04.2019, 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 second respondent to consider the representation of the petitioner dated 10.04.2019 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 and any others concerned, necessary action has to be taken by the authorities for removal of encroachment in the said service road in Survey No.149, Keelakottai Village, Aathur Taluk, Gandhi Gram Panchayat, Dindigul District, 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.]
12.10.2022

Internet : Yes / No
Index : Yes / No
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

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To

1. The District Collector,
Theni District.
2. The Tahsildar,
Udamapalayam, Theni District.
3. The Municipal Commissioner,
Gudalur, Theni District.

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