



W.P.(MD)No.15188 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM

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

W.P(MD)No.15188 of 2019

K.Velusamy

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Dindigul District.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Tahsildar,
Taluk Office,
Ottanchathiram Taluk,
Dindigul District.

4.J.Vijayabharathi

... Respondents

(R4 impleaded vide order of this Court
made in W.M.P.(MD) No.16122 of 2019 in
W.P.(MD) No.15188 of 2019 on 22.11.2022
by RMDJ & JSNPJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a Writ of Mandamus, to direct the respondents to
remove the encroachment made in public cart road in Survey No.



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335/2 which is situated at Poosaripatti village, Ottanchathiram Taluk, Dindigul District by considering the petitioner's representation dated 27/05/2019.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents 1 to 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For 4th Respondent : Mr.M.P.Senthil

* * *

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 3 to remove the encroachment made in the public cart road in Survey No.335/2, situated at Poosaripatti village, Ottanchathiram Taluk, Dindigul District, by considering his representation dated 27.05.2019.

2. Heard Mr.J.Senthil Kumaraiah, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.M.P.Senthil, learned counsel for the 4th respondent.



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3. Alleging that the 4th respondent has made encroachment in the public cart road in Survey No.335/2, situated at Poosaripatti village, Ottanchathiram Taluk, Dindigul District, and thereby preventing the public from using the public cart road, the petitioner submitted various representations to the official respondents and finally on 27.05.2019, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the third respondent to dispose of his representation dated 27.05.2019, within a time frame.

5. 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 third respondent to consider the representation of the petitioner dated



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27.05.2019, 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, the 4th respondent and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
22.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
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and

J.SATHYA NARAYANA PRASAD, J.

sj

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