



W.P(MD)No.12464 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

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

W.P(MD)No.12464 of 2021

A.Avadai

... Petitioner

VS.

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The District Revenue Officer,
Pudukottai District,
Pudukottai.
- 3.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukottai District.
- 4.The Block Development Officer,
Thirumayam Panchayat Union,
Thirumayam,
Pudukottai District.
- 5.C.Palaiah
6.P.Palanichamy

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments in the public road in Survey Nos.44/12 and 44/19 situated at Kannanoor Village, Thirumayam Taluk, Pudukottai District and consequently consider the representation dated 11.06.2021 made by the petitioner.

For Petitioner : Mr.P.Arun Jayatram
For RR 1 to 4 : Mr.N.GA.Nataraj
Government Advocate
For RR 5 & 6 : No appearance

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments in the public road in Survey Nos.44/12 and 44/19 situated at Kannanoor Village, Thirumayam Taluk, Pudukottai District, considering the representation of the petitioner, dated 11.06.2021.

2. The learned counsel appearing for the petitioner submitted that though the petitioner made a representation, dated 18.05.2018 to the respondents 1 to 4 seeking removal of encroachment in the aforesaid



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survey numbers made by the respondents 5 and 6 and pursuant thereto, though the first respondent vide proceedings in O.Mu.E1/10576/2018, dated 01.06.2018, directed the third respondent, to take appropriate action for removal of the encroachment, till date, no steps are taken to remove the encroachment. Hence, the petitioner made another representation, dated 11.06.2021 in this regard. But, there was no response. Hence, this Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representation dated 11.06.2021 would be considered and appropriate action will be taken in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 4 are directed to consider the representation of the petitioner, dated 11.06.2021 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 all other parties concerned, the authorities concerned are directed to take necessary action



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for removal of encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
ps

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



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and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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