



W.P.(MD) No.12426 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

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

W.P.(MD) No.12426 of 2022

S.Karthick

... Petitioner

-vs-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Sub Collector
Sivakasi
Virudhunagar District

3.The Revenue Divisional Officer
Sivakasi
Virudhunagar District

4.The Tahsildar
Sivakasi Taluk
Virudhunagar District

5.Karuppayee

6.Madasamy

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 3 & 4 herein to initiate appropriate action in respect of removal encroachment made in a public pathway in S.No.294/10, situated at Pachaiyapuram, Thayilpatti Village, Sivakasi Taluk, Virudhunagar District, in the light of the proceedings of the first respondent in Na.Ka.G2/191/2022, dated 15.03.2022 and 21.04.2022 respectively, within a time frame.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4
Mr.S.K.Murugesan for R5 & R6

O R D E R

[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 3 and 4 to initiate appropriate action in respect of removal of encroachment made in a public pathway in Survey No. 294/10 of Pachaiyapuram, Thayilpatti Village, Sivakasi Taluk, Virudhunagar District, in the light of the proceedings of the first respondent in Na.Ka.G2/191/2022, dated 15.03.2022 and 21.04.2022 respectively, within a time frame.



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2. The grievance of the petitioner is that though he made representations, dated 10.03.2022 and 18.04.2022, to the respondents 1 to 4 seeking removal of the encroachments made in the aforesaid survey number, till date the same have not been considered.

3. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representations, dated 10.03.2022 and 18.04.2022 would be considered and appropriate action would 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 3 and 4 are directed to consider the petitioner's representations dated 10.03.2022 and 18.04.2022 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Sub Collector,
Sivakasi,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 4.The Tahsildar,
Sivakasi Taluk,
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