



W.P.(MD)No.15338 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.(MD)No.15338 of 2022

R.Vengatesh

: Petitioner

Vs.

1.The District Collector
Virudhunagar District
Collector's office,
Virudhunagar

2.The District Revenue Officer,
Collector's office,
Virudhunagar

3.The Revenue Divisional Officer,
Sattur, Virudhunagar District

4.The Tahsildar,
Tahsildar's office,
Rajapalayam
Virudhunagar District

5.The Executive Officer,
Chettiyarpatti Town Panchayat
Chettiyarpatti.

: Respondents



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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 4th and 5th respondents to take further action on the proceedings of the 1st respondent dated 26.07.2021 and proceedings of the 3rd respondent dated 05.05.2022 and complete the same within the time stipulated by this Court.

For Petitioner	: Mr.A.Sivaji
For Respondents	: Mr.D.Sadiq Raja for R1 to R4 Additional Government Pleader Mr.P.Thilak Kumar for R5 Government Pleader

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

It is the case of the petitioner that public toilets and borewells have been put up in a common pathway in S.No.327/1W17 in Ward No.4 Old Ward No.15, Renganathapuram Koil Street, Chettiyarpatti Town Panchayat, Rajapalayam Taluk, Virudhunagar District and that the same should have to be removed.

2.It is seen that the petitioner is strongly relying upon the communication in Na.Ka.No.G2/8944/2020 dated 26.07.2021 sent by the District Collector, Virudhunagar to the Revenue Divisional Officer,

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Sattur forwarding the complaints from various persons including the complaint of the petitioner herein for appropriate action, after due enquiry. The petitioner is also relying upon a communication in Na.Ka.A6/4653/2021 dated 05.05.2022 addressed by the Revenue Divisional Officer to the Tahsildar, Rajapalayam forwarding the complaint of the petitioner and orders for appropriate action.

3. Except the assertion of the petitioner that the pathway has been encroached by one Vijayalakshmi, Kalidoss and Petchirajan, there are no other credible materials for us to proceed in this regard. However, the said Vijayalakshmi, Kalidoss and Petchirajan have not been impleaded as respondents and therefore, no order prejudicial to their interest can be passed exparte by this Court. In such view of the matter, we direct the fourth respondent to conduct an enquiry as directed by the Revenue Divisional Officer in the letter dated 05.05.2022 and take action in accordance with law, if it is found that there are encroachments as alleged in S.No.327/1W17, after giving notice to the persons concerned, if there are no other legal impediment.



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The writ petition is disposed of with the above direction. No costs.

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[P.N.P., J.] & [R.H., J.]
21.07.2022

Index : Yes/No

Internet : Yes

RR

To

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P.N.PRAKASH, J
AND
R.HEMALATHA, J
RR

Order made in
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21.07.2022