



W.P(MD)No.15644 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

W.P(MD)No.15644 of 2021

1.Chinnakalai
2.Panjakumar

... Petitioners

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

3.Kalaiyappan

4.The Block Development Officer,
Ilayangudi Taluk,
Sivagangai District.

... Respondents

(R – 4 is impleaded vide order dated 23.09.2021
in W.M.P(MD)No.13448 of 2021)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action for the removal of encroachment in the nature of



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construction of toilet and bathroom made by the third respondent herein in the common pathway comprised in Pula No.282/13 situated at Thiruvallur Village, Ilayangudi Taluk, Sivagangai District in the light of the representation of the petitioners dated 19.06.2021 within a time frame.

For Petitioners : Mr.B.Prahalad Ravi
For RR 1 & 2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R – 3 : Mr.D.Senthil

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 and 2 to take necessary action for the removal of encroachment in the nature of construction of toilet and bathroom made by the third respondent in the common pathway comprised in Survey No.282/13 situated at Thiruvallur Village, Ilayangudi Taluk, Sivagangai District, in the light of the representation of the petitioners dated 19.06.2021, within a time frame.

2.Seeking removal of the aforesaid encroachment, the petitioners made a representation, dated 19.06.2021 to the official



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respondents. Since the same has not been considered so far, the petitioners have filed the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 & 2 on instructions, submitted that the petitioners' representation dated 19.06.2021 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 petitioners, the authorities concerned are directed to consider the representation of the petitioners, dated 19.06.2021 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioners, after issuing notice and conducting survey in the presence of the petitioners and the third respondent and all other parties concerned, the authorities concerned are directed to take necessary action 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.



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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.]
27.10.2022

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.
- 3.The Block Development Officer,
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Sivagangai District.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
W.P(MD)No.15644 of 2021

DATED : 27.10.2022