



W.P.(MD)No.15755 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.11.2022

CORAM

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

W.P.(MD)No.15755 of 2022

S.Packiyaraj

... Petitioner

Vs.

1. The District Collector,
O/o. the District Collector,
Ramanathapuram District.

2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
O/o. the Tahsildar, Kadaladi,
Ramanathapuram District.

4. The Block Development Officer,
Narippaiyoor Panchayat, Kadaladi,
Ramanathapuram District.



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5. S.Pappa

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in a Panchayat road towards Survey No.333/1A1A1 (Patta no. 11274) at Narippaiyoor Village, Kadaladi Taluk, Ramanathapuram District, by considering the petitioner's representation dated 23.6.2022 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.N.G.A.Nataraj
Government Advocate
for R1 to R4
Mr.R.Sundar Srinivasan
for R5

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 4 to remove the encroachment made by the fifth respondent in the Panchayat Road running towards the land of the petitioner in Survey No.333/1A1A1 at Narippaiyoor Village, Kadaladi Taluk, Ramanathapuram District, by considering his representation dated 23.6.2022, within a time frame.



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2. Heard Mr.T.Thirumurugan, learned counsel for the petitioner; Mr.N.G.A.Nataraj, learned Government Advocate appearing for the respondents 1 to 4 and Mr.R.Sundar Srinivasan, learned counsel for the fifth respondent.

3. Pointing out that the fifth respondent has encroached upon the Panchayat Road running towards the land of the petitioner in Survey No. 333/1A1A1 at Narippaiyoor Village, Kadaladi Taluk, Ramanathapuram District, by putting up a fence and thereby trying to convert the classification of the said panchayat road into an approved plot, the petitioner submitted a representation dated 23.06.2022, to the respondents 1 to 3 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 3, to consider his representation dated 23.06.2022, on merits and in accordance with law, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 3, to



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consider the representation of the petitioner dated 23.06.2022, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity to the petitioner, fifth respondent and all other parties concerned and also by following due process of law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
15.11.2022

Internet : Yes / No
Index : Yes / No
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