



W.P.(MD) No.16280 of 2020

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.11.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**AND**

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD)No.16280 of 2020**

**and**

**W.M.P.(MD)No.13608 of 2020**

PR.Meenakshi Sundaram

... Petitioner

**-Vs-**

1.The District Collector,  
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,  
Devakottai, Sivagangai District.

3.The Tahsildar,  
Devakottai Taluk, Devakottai.

4.The Commissioner,  
Devakottai Municipality,  
Devakottai.

5.Thirumurugan

6.Periyanayagi

7.Lakshmanan

... Respondents

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WEB CONTENT

**PRAYER :** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachments made by the respondents 5 to 7 in the public pathway situated in S.No.151 and S.No.280 Keezhakudyiruppu Village, Iravuseri Group, Devakottai Taluk, Sivagangai District and ensure that the said public pathway is maintained as public pathway within the time frame fixed by this Court.

For Petitioner : Mr.AL.Kannan  
For R1 to R3 : Mr.N.GA.Nataraj,  
Government Advocate  
For R4 : Mr.J.Anandha Kumar

### **ORDER**

**[Order of the Court was made by R.MAHADEVAN, J.]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in the public pathway situated in S.No.151 and S.No.280 Keezhakudyiruppu Village, Iravuseri Group, Devakottai Taluk, Sivagangai District and ensure that the said public pathway is maintained as public pathway within a time frame.

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2.Claiming that the respondents 5 to 7 encroached the lands in question, the petitioner made a representation dated 14.05.2018 to the 2<sup>nd</sup> respondent seeking removal of the same, which was considered by the 2<sup>nd</sup> respondent, who in turn directed the respondents 3 and 4 to take necessary action in this regard by his proceedings dated 18.06.2018. Complying with the order of the 2<sup>nd</sup> respondent, the 3<sup>rd</sup> respondent had conducted an enquiry and directed the encroachers to remove the encroachment. Thereafter, no steps had been taken to remove the encroachment. Hence, the petitioner and his villagers jointly made a representation dated 03.11.2020 to the respondents 1 to 3 and finding no heed to it was paid, this Writ Petition is filed.

3.The learned Government Advocate for the respondents 1 to 3 submitted that the representation of the petitioner dated 03.11.2020 would be considered on merits and appropriate action would be taken for removal of the encroachment, if any, in the place in question, by following due process of law within a time frame.

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4.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 03.11.2020 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same shall be removed by the authorities concerned, after affording 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.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

**10.11.2022**

Index : Yes / No

Internet : Yes / No

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**R.MAHADEVAN, J.**

**AND**

**J.SATHYA NARAYANA PRASAD, J.**

*Myr*

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