



W.P.(MD)No.18534 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.18534 of 2022

Jeyarajakani

... Petitioner

Vs.

1.The District Collector, Madurai District, Madurai.

2.The Commissioner, Madurai Corporation, Madurai.

3.The Tahsildar, Madurai South Taluk, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents herein to remove the encroachment of 20 feet public pathway in front of R.S.No.395/9B at Avaniapuram Village, Madurai South Taluk, Madurai District based on the third respondent's proceedings in Oo.Mu.No. 3067/2022/B2, dated 27.06.2022.

For Petitioner :Mrs.A.Banumathy

For R1 and R3 :Mr.J.Ashok

Additional Government Pleader

For R2 :Mr.S.Vinayak



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ORDER

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(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the first and second respondents herein to remove the encroachment of 20 feet public pathway in front of R.S.No.395/9B at Avaniapuram Village, Madurai South Taluk, Madurai District based on the third respondent's proceedings in Oo.Mu.No.3067/2022/B2, dated 27.06.2022.

2.Heard Mrs.A.Banumathy, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of respondents 1 and 3 and Mr.S.Vinayak, learned Counsel, who takes notice on behalf of second respondent. By consent of all parties, the present Writ Petition is taken up for final disposal at the stage of admission itself.

3.Though the petitioner in her prayer seeks for a positive direction, the learned Counsel for the petitioner submitted that the petitioner will be satisfied, if a direction is issued to the respondents to consider the petitioner's representation, dated 11.06.2022.



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4.Considering the limited scope of prayer, that is now sought before this Court by the learned Counsel for the petitioner, without expressing any opinion on the merits of the petitioner's contentions in the affidavit filed in support of this Writ Petition or in the representation, this Court is inclined to issue the following direction:

4.1.The second respondent is directed to consider the petitioner's representation, dated 11.06.2022 and pass appropriate orders on merits or take appropriate action after giving an opportunity of hearing to the persons who are also interested within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
16.08.2022

Index : Yes / No

cmr

To

- 1.The District Collector, Madurai District, Madurai.
- 2.The Tahsildar, Madurai South Taluk, Madurai.



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