



W.P.(MD)No.21312 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2022

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

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Joseph Prabhakar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Tisayanvilai Taluk,
Tisayanvilai,
Tirunelveli District.

4.Ronalda

5.Ajantha

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents 1 to 3 herein to initiate appropriate action against the Respondents 4 & 5 herein and remove the illegal encroachment made in S.No.531/15 classified as public pathway situated at Karalsuthu Uvari Village,



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Tisayanvilai Taluk, Tirunelveli District on the basis of the Petitioner's representations dated 04.07.2022 and 11.08.2022 within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Prasanth

For Respondents 1 to 3 : Mr.V.Nirmal Kumar
Government Advocate

* * *

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 3 herein to initiate appropriate action against the Respondents 4 & 5 herein and remove the illegal encroachment made in S.No.531/15 classified as public pathway situated at Karalsuthu Uvari Village, Tisayanvilai Taluk, Tirunelveli District on the basis of the Petitioner's representations dated 04.07.2022 and 11.08.2022 within a time frame.

2. Heard Mr.S.Prasanth, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate appearing for respondents 1 to 3. By consent of both parties, the



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Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to respondents 4 and 5 is dispensed with.

4. Claiming that the public pathway in S.No.531/15, Karalsuthu Uvari Village, Tisayanvilai Taluk, Tirunelveli District is encroached by respondents 4 and 5 by putting unauthorized construction, the petitioner submitted a representation to the official respondents on 04.07.2022, followed by another representation on 11.08.2022 and the same, according to learned counsel for the petitioner, are unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the second respondent to consider the representations of the petitioner dated 04.07.2022 and 11.08.2022, in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the



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merits of claim made by the petitioner either in the representations or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the second respondent to consider the representations of the petitioner dated 04.07.2022 and 11.08.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, respondents 4 and 5 and any others concerned, necessary action has be taken by the authorities for removal of unauthorized constructions as well as encroachment on the public pathway in S.No.531/15, Karaisuthu Uvari Village, by following due process of law. Such exercise shall be completed 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.]
07.09.2022

Internet : Yes / No
Index : Yes / No
sj

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