



W.P(MD)No.1526 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2022

CORAM:

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

W.P(MD)No.1526 of 2014

K.Sappani

... Petitioner

vs.

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.
- 4.The President,
Thiruppachethi Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.
- 5.M.Subramani (died)
- 6.S.Seenivasan
- 7.S.Selvam

... Respondents



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(RR 6 & 7 are Legal representatives of the deceased fifth respondent vide order dated 31.01.2018 in W.M.P(MD)No.14946 of 2016)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in street Survey No.16 situated at Muthukumara Pillai Street, Thiruppachethi Village, Thirupuvanam Taluk, Sivagangai District by considering the petitioner's representation, dated 05.08.2013.

For Petitioner	: Mr.T.Lajapathi Roy
For RR 1 to 3	: Mr.V.Nirmal Kumar Government Advocate

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The present writ petition has been filed for a Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in Survey No.16 situated at Muthukumara Pillai Street, Thiruppachethi Village, Thirupuvanam Taluk, Sivagangai District, by considering the petitioner's representation, dated 05.08.2013.



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2. Though the fifth respondent died and his legal heirs were impleaded as respondents 6 and 7 as early as in the year 2018, despite several opportunities, they have not been served till date. Further, the writ petition seeking removal of encroachment is of the year 2014 and it is not known whether the encroachment as projected by the petitioner still exists or not.

3. In view of the above, this writ petition is disposed of granting liberty to the petitioner to make a fresh representation to the official respondents forthwith, if the encroachment as projected by him still exists. On receipt of such representation, the official respondents are directed to consider the same and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of the said representation. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
06.09.2022

Index : Yes / No
Internet : Yes
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and
J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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DATED : 06.09.2022