



W.P.(MD)No.21410 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.09.2022

CORAM

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

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C.Baskar

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
Dindigul East, Dindigul District.

3.The President,
Balakrishnapuram Panchayat,
Dindigul East, Dindigul District.

4.Saminathan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents 1 and 2 to remove the encroachments made in Survey No.825/19, situated at Anumanthan Nagar Main Road, Opp. Railway Colony, Balakrishnapuram – 624 005, Dindigul East, Dindigul District, based on the petitioner's representation dated 12.08.2022.



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For Petitioner

: Ms.S.Prabha

For Respondents

: Mr.S.P.Maharajan
Spl.Government Pleader for R1
Mr.G.V.Vairam Santhosh
Addl.Government Pleader
for R2 & R3

* * *

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 and 2 herein to initiate appropriate action against the fourth respondent herein and remove the illegal encroachment made in Survey No.825/19 classified as public pathway situated at Anumanthan Nagar Main Road, Balakrishnapuram, Dindigul District, on the basis of the petitioner's representation dated 12.08.2022.

2. Heard Ms.S.Prabha, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader appearing for the first respondent and Mr.V.Nirmal Kumar, learned Government Advocate appearing for respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

4. Claiming that the public pathway in Survey No.825/19, Anumanthan Nagar Main Road, Balakrishnapuram, Dindigul District, is encroached by the fourth respondent by laying stones on the said public pathway causing hindrance to the general public, the petitioner submitted a representation to the second respondent on 12.08.2022, 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 second respondent to consider the representation of the petitioner dated 12.08.2022, in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the 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 representation of the petitioner dated 12.08.2022 and pass appropriate orders on merits and in accordance with law. If there is any



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encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, fourth respondent and any others concerned, necessary action has be taken by the authorities for removal of encroachments made on the public pathway in Survey No.825/19, Anumanthan Nagar Main Road, Balakrishnapuram, Dindigul District, by following due process of law. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
08.09.2022

Internet : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Block Development Officer,
Dindigul East, Dindigul District.
- 3.The President,
Balakrishnapuram Panchayat,
Dindigul East, Dindigul District.



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