

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2022

CORAM

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

W.P(MD)No.21579 of 2022

K.Rengasamy

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Karambakkudi Taluk,
Pudukkottai District.

3.The Block Development Officer (Village Panchayat),
Karambakkudi Panchayat Union,
Karambakkudi,
Pudukkottai District.

4.M.Chandrasekaran

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the first and second respondents i.e., the District Collector, Pudukkottai and the Tahsildar, Karambakkudi, to take immediate action for vacating the encroachment made in Natham Pathway i.e., in S.No.185/14, Karambaviduthi Village, Karambakkudi Taluk, Pudukkottai District,

based on the report of the Tahsildar, Karambakkudi, in No.A8/4924/2021, dated 29.07.2022 under due process of law, within a specified time frame that may be fixed by this Court.

For Petitioner	: Mr.S.Visvalingam
For Respondents 1 and 2	: Mr.P.Thilak Kumar Government Pleader
For 3 rd Respondent	: Mr.V.Nirmal Kumar Government Advocate

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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 respondents 1 and 2 to take immediate action for vacating the encroachment made in Natham Pathway i.e., in S.No.185/14, Karambaviduthi Village, Karambakkudi Taluk, Pudukkottai District, based on the report of the Tahsildar, Karambakkudi, in No.A8/4924/2021, dated 29.07.2022 under due process of law, within a time frame.

2. Heard Mr.S.Visvalingam, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader

appearing for respondents 1 and 2 and Mr.V.Nirmal Kumar, learned Government Advocate appearing for the third respondent. By consent of both parties, the 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 fourth respondent is dispensed with.

4. Claiming that the public pathway in S.No.185/14, Karambaviduthi Village is encroached by the fourth respondent by planting Banana Trees, the petitioner submitted a representation to the second respondent dated 24.08.2021, followed by another representations dated 10.05.2022 and 12.08.2022 to the third and second respondents respectively and yet another representation to first respondent on 22.08.2022 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 first respondent to consider the representation of the petitioner dated 22.08.2022, 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 first respondent to consider the representation of the petitioner dated 22.08.2022 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, fourth respondent and any others concerned, necessary action has to be taken by the authorities for removal of encroachment on the public pathway in S.No.185/14, Karambaviduthi Village, Karambakkudi Taluk, Pudukkottai District by following due process of law. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
12.09.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
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Pudukkottai.
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- 3.The Block Development Officer (Village Panchayat),
Karambakkudi Panchayat Union,
Karambakkudi,
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and

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sj

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