

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.21595 of 2022
and W.M.P.(MD)No.15741 of 2022

Mariappan, S/o.S.Madasamy

... Petitioner

Vs.

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

3.The Block Development Officer (Village Panchayat),
Sankarankovil,
Tenkasi District.

4.The President,
Veerasigamani Panchayat,
Veerasigamani,
Tenkasi District.

5.The Sub-Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.

6.Arumugam, S/o.Petchimuthu

... 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 5 to remove the encroachment made by the sixth respondent or his men in the Government Poromboke pathway in Survey No.1139/43 and Government Poromboke Street in Survey No.1139/85, situated in Veersigamani Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner	: Mr.R.J.Karthick
For Respondents 1 and 2	: Mr.S.P.Maharajan Special Government Pleader
For Respondents 3 and 4	: Mr.P.Thilak Kumar Government Pleader
For 5 th Respondent	: Mr.T.Senthilkumar Additional Public Prosecutor

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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 the respondents 1 to 5 to remove the encroachment made by the sixth respondent or his men in the Government Poromboke pathway in Survey No.1139/43

and Government Poromboke Street in Survey No.1139/85, situated in Veersigamani Village, Sankarankovil Taluk, Tenkasi District.

2. Heard Mr.R.J.Karthick, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of respondents 3 and 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the 5th 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 the 6th respondent is dispensed with.

4. Claiming that the public pathway in Survey Nos. 1139/43 and 1139/85, situated in Veersigamani Village, Sankarankovil Taluk, Tenkasi District is encroached by the 6th respondent by putting a house, the petitioner submitted a representation to the official respondents on 27.06.2022 and the

same, 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 27.06.2022, 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 representation 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 27.06.2022 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, 6th respondent and any others concerned, necessary action has to be taken by the authorities for removal of encroachment on the public pathway in Survey Nos.1139/43 and 1139/85, situated in Veersigamani Village, Sankarankovil Taluk, Tenkasi 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. Consequently, connected Miscellaneous Petition is closed.

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

Internet : Yes / No
Index : Yes / No
sj

To

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