

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.21682 of 2022

S.Kalamani

... Petitioner

Vs.

1.The District Collector
Dindigul District,
Dindigul.

2.The Tahsildar
Guziliamparai Taluk,
Guziliamparai.

3.The Block Development Officer
Guziliamparai Town Panchayat,
Guziliamparai.

4.Perumal

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to complete the proceedings initiated in Na.Ka.No.1643/2021/A2 dated 26.11.2021 for removal of encroachment in S.No. 2009/18 which is classified as Pathway Poromboke in revenue records.

For Petitioner : Mr.R.Azhagesh

For Respondents : Mr.G.V.Vairam Santhosh - for R1 to R3
Additional Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for respondents 1 to 3.

2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioner, notice to the fourth respondent is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The grievance of the petitioner is that she made a representation dated 03.12.2021 to the first respondent to take necessary action to remove the encroachment in Survey No.2009/18 of R.Kombai Village, Guziliamparai Taluk, Dindigul District. Though the said representation was received by the first respondent and was also forwarded to the second respondent vide proceedings, dated 25.01.2022, the same has not been considered so far and hence, the petitioner has approached this Court by filing this Writ Petition.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

6. The learned counsel for the petitioner submitted that even though the petitioner made a representation as early as on 03.12.2021 ventilating the above grievance, till date no response is forthcoming from the side of the official respondents. Hence, the learned counsel for the petitioner prayed for a direction to the respondents to consider the petitioner's representation, dated 03.12.2021 on merits and in accordance with law within a stipulated time.

7. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that if a reasonable time is granted to the respondents 1 to 3, appropriate orders will be passed on the representation of the petitioner.

8. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the claim made by the petitioner, directs the respondents 1 to 3, to consider the representation of the petitioner, dated 03.12.2021 and pass appropriate orders, on

merits and in accordance with law, after giving due notice to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

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

14.09.2022

Index : Yes / No

Internet : Yes / No

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