



W.P.(MD) No.21896 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

CORAM:

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

W.P.(MD) No.21896 of 2022

1.T.Jayakumar

2.P.Velayutham

3.M.Saminathan

... Petitioners

-vs-

1.The District Collector
Thanjavur District
Thanjavur

2.The Tahsildar
Papanasam Taluk
Thanjavur District

3.The Head Surveyor
Papanasam Taluk
Thanjavur District

4.Kanagavel

5.Mohan

6.Sridhar

7.Sivaji

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents No. 1 to 3 to remove the encroachment made by the respondents No.4 to 7 in S.F.No. 353/22 of Ganapathy Agraharam Village, Papanasam Taluk, Thanjavur District, within a time stipulated by this Court.

For Petitioners : Mr.AN.Ramanathan

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

ORDER

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

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the 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 petitioners, notice to the private respondents is dispensed with.

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



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4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 7 in S.F.No. 353/22 of Ganapathy Agraharam Village, Papanasam Taluk, Thanjavur District, within a time stipulated by this Court.

5. According to the petitioners, the respondents 4 to 7 have encroached the land comprised in S.F.No.353/22 of Ganapathy Agraharam Village, which is a Government Poromboke Road leading to Arulmighu Karuppaiah Swamy Temple situated in S.F.No.353/17 and thereby, the access to the said Temple has been completely restricted. Though the petitioners and other villagers have made a representation seeking to remove the encroachments made by the respondents 4 to 7 to the first respondent as early as on 06.12.2021, till date no action has been taken based on their representation. Hence, the petitioners have filed the present writ petition.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that if a direction is given to the Authorities concerned, necessary action will be taken on the basis of the petitioners' representation.



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7. In view of the above, without going into the merits of the claim made by the petitioners, the respondents 1 to 3 are directed to consider the petitioners' representation dated 06.12.2021 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. It is made clear that this order should not be construed as giving any positive direction to the respondents 1 to 3, who should pass orders depending upon the facts and circumstances of the case.

8. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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Thanjavur.
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