



W.P.(MD) No.21908 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.21908 of 2022

Vimala

... Petitioner

-VS-

- 1.The District Collector
Office of the District Collector
Pudukkottai District
- 2.The Revenue Divisional Officer
Office of the Revenue Divisional Office
Pudukkottai District
- 3.The Tahsildar
Pudukkottai Taluk Office
Pudukkottai District
- 4.The Commissioner
Pudukkottai Municipality
Pudukkottai Town
Pudukkottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of mandamus directing the respondents herein to remove the illegal



W.P.(MD) No.21908 of 2022

encroachments made in T.S.No.6085/2 situated at Rajagopalapuram 3rd Lane, Pudukkottai, on the basis of the petitioner representation dated 18.07.2022, within a time stipulated by this Court.

For Petitioner : Mr.Jameel Arasu.B.

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

3. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents to remove the illegal encroachments made in T.S.No.6085/2, situated at Rajagopalapuram 3rd Lane, Pudukkottai, on the basis of the petitioner's representation dated 18.07.2022, within a time frame.



W.P.(MD) No.21908 of 2022

WEB COPY

4. According to the petitioner, she owns a land comprised in old T.S.No.6084/3E.15, new T.S.No.9465, measuring an extent of 2804 sq.ft., in Rajagopalapuram Third Lane, Pudukkottai and there is a pathway having 12.5 feet width, in T.S.No.6085/2, connecting her property in T.S.No.9465 and the main road. Since the major portion of the said pathway has been encroached by several persons, the width of the said pathway has considerably been reduced and it affects her ingress and egress to her property. Therefore, she made a representation to the respondents to remove the encroachments and based on her representation, on 01.03.2022, the Tahsildar, Pudukkottai / third respondent conducted a spot inspection and submitted a report, dated 04.03.2022 to the Revenue Divisional Officer, Pudukkottai / second respondent stating that the pathway has been encroached. On the basis of the said report dated 04.03.2022, the Revenue Divisional Officer, Pudukkottai, *vide* proceedings dated 14.03.2022, directed the Commissioner, Pudukkottai Municipality / fourth respondent to remove the encroachments and restore the pathway to its original position. Despite the reminders of the Revenue Divisional Officer, Pudukkottai and the representation of the petitioner dated 18.07.2022, the fourth respondent has not removed the encroachments till date. Hence, this writ petition.



W.P.(MD) No.21908 of 2022

WEB COPY

5. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that it is suffice if a direction is issued to the respondents to pass orders on the representation of the petitioner, dated 18.07.2022, in the light of the proceedings of the second respondent in ந.க.அ1/1139/2022, dated 14.03.2022, within a time frame, for which, the learned Additional Government Pleader for the respondents 1 to 3 has agreed.

6. In view of the limited relief sought for, notice to the fourth respondent is dispensed with.

7. The proceedings of the second respondent, dated 14.03.2022, addressed to the fourth respondent, clearly shows that in Survey No.6085/2, which has been described as “Sarkar Poromboke Vaari” in the revenue records, there are eleven encroachments and that there is an electric pole in the common pathway. Despite that, the fourth respondent has not taken any steps so far to remove the encroachments. Hence, the petitioner has rushed to this Court finding that his representation did not yield any response by the respondents.



WEB COPY

W.P.(MD) No.21908 of 2022

8. Be that as it may, in view of the limited relief sought for, without going into the merits of the claim made by the petitioner, the respondents are directed to consider the petitioner's representation dated 18.07.2022 and pass appropriate orders, in the light of the proceedings of the second respondent in ந.க.அ1/1139/2022, dated 14.03.2022, after giving due notice and sufficient opportunity to all the parties concerned, by following due process of law, 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.]

16.09.2022

Index : Yes / No

Internet : Yes / No

krk



W.P.(MD) No.21908 of 2022

WEB COPY

To:

- 1.The District Collector,
Office of the District Collector,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Pudukkottai District.
- 3.The Tahsildar,
Pudukkottai Taluk Office,
Pudukkottai District.



WEB COPY



W.P.(MD) No.21908 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

krk

W.P.(MD) No.21908 of 2022

16.09.2022