



W.P.(MD)No.23748 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

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

W.P(MD)No.23748 of 2022

Sasikumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

3.Thanraj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment caused by the 3rd respondent at pathway situated in Re-survey No.180/6, situated at Meenatchipuram Colony, Mangulam Post, Madurai East Taluk, Madurai District based on the the petitioner's representation dated 05.08.2022 within stipulated time by this Court.

For Petitioner

: Mr.R.Manoharan



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For Respondents 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader

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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 and 2 to remove the encroachment made by the 3rd respondent in the pathway situated in Re-survey No.180/6, Meenatchipuram Colony, Mangulam Post, Madurai East Taluk, Madurai District, based on his representation dated 05.08.2022 within a time frame.

2. Heard Mr.R.Manoharan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2. 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 third respondent is dispensed with.



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4. Pointing out that the 3rd respondent has made encroachment in the pathway situated in Re-survey No.180/6, Meenatchipuram Colony, Mangulam Post, Madurai East Taluk, Madurai District by dumping Palmara Trees and Stones and thereby obstructing the movement of the public over the said four feet pathway, the petitioner submitted a representation to the official respondents on 05.08.2022 and the same, according to the learned counsel for the petitioner, remains as such.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the 2nd respondent to consider and dispose of the representation of the petitioner dated 05.08.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the 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 2nd respondent to consider the representation of the petitioner dated



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05.08.2022, 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, 3rd respondent and all other parties concerned, the 2nd respondent is directed to take necessary action for removal of encroachment in the pathway situated in Re-survey No.180/6, Meenatchipuram Colony, Mangulam Post, Madurai East Taluk, Madurai District, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
14.10.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai East Taluk,
Madurai District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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