



W.P.(MD)No.22694 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22694 of 2022

G.Jagatha

... Petitioner

Vs.

1.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

2.The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Tenkasi District.

3.The Assistant Divisional Engineer,
State Highways Department,
Kachari Road,
Sankarankovil,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd Respondent to consider the Representation dated 21.10.2021 as forwarded by the 1st Respondent through proceedings in O.Mu.A1/3919/2021 dated 09.11.2021.

For Petitioner

: Mr.S.Prem Kumar



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For Respondents 1 & 3 : Mr.N.GA.Nataraj
Government Advocate

For 2nd Respondent : Mr.P.Mahendran
Standing Counsel

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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 2nd respondent to consider her representation dated 21.10.2021, which was forwarded by the 1st Respondent through his proceedings in O.Mu.A1/3919/2021, dated 09.11.2021.

2. Heard Mr.S.Prem Kumar, learned counsel for the petitioner, Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 3 and Mr.P.Mahendran, learned Standing Counsel, who accepts notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Claiming that some persons have encroached Vadakku Ratha Veedhi, Sankarankovil Taluk, Tenkasi District and



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thereby obstructing the movement of the public over the said main road, the petitioner submitted a representation to the official respondents on 21.10.2021 and the 1st respondent through his proceedings in O.Mu.A1/3919/2021, dated 09.11.2021, forwarded the same to the second respondent for necessary action and the same, according to the learned counsel for the petitioner, remains as such.

4. 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 respondents 2 and 3 to consider and dispose of the representation of the petitioner dated 21.10.2021, in accordance with law, within a time frame.

5. 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 respondents 2 and 3 to consider the representation of the petitioner dated 21.10.2021 and pass appropriate orders on merits and in



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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 and all other parties concerned, respondents 2 and 3 are directed to take necessary action for removal of encroachments in Vadakku Ratha Veedhi, Sankarankovil Taluk, Tenkasi District, after affording an opportunity of personal 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.]
11.10.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.
- 2.The Assistant Divisional Engineer,
State Highways Department,
Kachari Road,
Sankarankovil,
Tenkasi District.



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