



W.P.(MD)No.22570 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

CORAM

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

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Sheik Gani

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul District.
- 3.The Tahsildar,
Dindigul East,
Dindigul District.
- 4.The Superintendent of Police,
Dindigul District.
- 5.The Block Development Officer,
Dindigul District.
- 6.Panchayat Union Officer,
Sanarpatti,
Dindigul District.
- 7.Pappu
- 8.P.Murugan
- 9.Velumani



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10.Muthulakshmi

11.Shanmugam

12.Chindu at Chinnaya

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the representation of the petitioner dated 21.06.2022, and direct the respondents 7 to 12 to remove the encroachment made over the common path way bearing S.No.528/1 of Rajakkapatti Village, Dindigul East Taluk, running 125 meters length with 3 meters breadth leading from main road Dindigul to Srivilliputhur Road.

For Petitioner : Mr.V.Raghavachari

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For 4th Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

For Respondents 5 & 6 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

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 to 4 to consider the representation of the petitioner dated 21.06.2022,



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and to direct the respondents 7 to 12 to remove the encroachment made over the common pathway in S.No.528/1 of Rajakkapatti Village, Dindigul East Taluk, running 125 meters length with 3 meters breadth, leading from Dindigul to Srivilliputhur Main Road.

2. Heard Mr.V.Raghavachari, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3, Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the 4th respondent and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 5 and 6. 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 respondents 7 to 12 is dispensed with.

4. Claiming that the respondents 7 to 12, who are having their residences immediate to the southern side of the common pathway in S.No.528/1 have encroached the said pathway



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by constructing brick walls, cattle sheds etc., and thereby obstructing the movement of the public over the said pathway, the petitioner submitted a representation to the official respondents on 21.06.2022 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 third respondent to dispose of the representation of the petitioner dated 21.06.2022, in accordance with law, 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 third respondent to consider the representation of the petitioner dated 21.06.2022 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



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presence of the petitioner, the respondents 7 to 12 and any other parties concerned, necessary action has to be taken by the authorities concerned for removal of encroachment in the common path way in S.No.528/1 of Rajakkapatti Village, Dindigul East Taluk, 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 six weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.09.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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Dindigul District.
- 4.The Superintendent of Police,
Dindigul District.



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5.The Block Development Officer,
Dindigul District.

6.Panchayat Union Officer,
Sanarpatti,
Dindigul District.

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