



W.P.(MD)No.22579 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**

W.P(MD)No.22579 of 2022

P.Veerappan

... Petitioner

Vs.

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Revenue Divisional Officer,  
O/o. the Revenue Divisional Officer,  
Karaikudi Taluk,  
Sivagangai District.

3.The Tahsildar,  
O/o. the Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

4.Ramachandran

5.Krishnan

6.Alagappan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent No. 3 to implement the order passed by 1<sup>st</sup> respondent's proceedings in



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O.Mu.A4/8516/2022 dated 22.04.2022 within time as stipulating by this Honble Court.

For Petitioner

: Ms.A.Banumathy

For Respondents 1 to 3

: Mr.S.P.Maharajan

Special 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 3<sup>rd</sup> respondent to implement the order passed by 1<sup>st</sup> respondent vide his proceedings in O.Mu.A4/8516/2022, dated 22.04.2022, within a time frame.

2. Heard Ms.A.Banumathy, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3. 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 4 to 6 is dispensed with.



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4. Pointing out the encroachment in public pathway comprised in S.Nos.555, 554/7 and 455 situated at North Street, Ward No.7, Kanaadukathan Panchayat, Karaikudi Taluk, Sivagangai District, by the respondents 4 to 6 by constructing Septic Tank, Compound Wall and Portico, the petitioner submitted a representation to the 1<sup>st</sup> respondent and pursuant to the same, the first respondent – District Collector directed the third respondent – Tahsildar to take action on the petitioner's representation and to submit a report to him vide his proceedings in O.Mu.A4/8516/2022, dated 22.04.2022, which, according to the learned counsel for the petitioner, is not acted upon.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court directs the third respondent to proceed further pursuant to the direction of the 1<sup>st</sup> respondent vide his proceedings in O.Mu.A4/8516/2022, dated 22.04.2022, after issuing notice and conducting survey in the presence of the petitioner, respondents 4 to 6 and all other parties concerned and take necessary action for removal of encroachment, if any, in the pathway in S.Nos.555, 554/7 and 455 situated at North Street, Ward No.7, Kanaadukathan



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Panchayat, Karaikudi Taluk, Sivagangai District, after affording an opportunity of hearing to the petitioner, respondents 4 to 6 and any other 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.]**  
**26.09.2022**

Internet : Yes / No

Index : Yes / No

sj

To

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Sivagangai District,  
Sivagangai.
- 2.The Revenue Divisional Officer,  
O/o. the Revenue Divisional Officer,  
Karaikudi Taluk,  
Sivagangai District.
- 3.The Tahsildar,  
O/o. the Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.



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**R.MAHADEVAN, J.**

and

**J.SATHYA NARAYANA PRASAD, J.**

sj

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