



W.P.(MD) No.22837 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.22837 of 2022

Muthusamy

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Aranthangi & Taluk,
Pudukkottai District.
- 4.The Block Development Officer,
Avudaiyarkovil Panchayat Union,
Avudaiyarkovil Post & Taluk,
Pudukkottai District.



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5.The Village Panchayat President,
Kezhacheri Village Panchayat,
Aranthangi Taluk,
Pudukkottai District.

6.The Inspector of Police,
Avudaiyarkovil Police Station,
Avudaiyarkovil Taluk,
Pudukkottai District.

7.Tamilarasi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 remove the encroachment in pathway in SF No.182/12 of Sivanthankadu Revenue Village, Aranthangi Taluk, Pudukkottai District with the assistance of police protection of 6th respondent and remove the encroachment made by the 7th respondent and also issue a direction directing the 4th and 5th respondents to form a road in the aforesaid Survey number within a stipulated time by considering the representation on 08.01.2022.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.S.P.Maharajan,
Spl. Government Pleader for R1 to R3
Mr.V.Nirmal Kumar,
Govt. Advocate for R4 & R5
Mr.T.Senthilkumar,
Addl. Public Prosecutor for R6
Mr.N.Balakrishnan for R7



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the seventh respondent in the common pathway in SF No.182/12 of Sivanthankadu Revenue Village, Aranthangi Taluk, Pudukkottai District, with the assistance of 6th respondent / police and to issue a direction, to the 4th and 5th respondents to form a road in the aforesaid Survey number, within a time frame, by considering the representation of the petitioner on 08.01.2022.

2. It is the claim of the petitioner that the seventh respondent has encroached the common pathway in the aforesaid survey number and in this regard, though the petitioner made a representation on 08.01.2022 to the respondents seeking removal of the same, till date, it has not been done. Hence, the petitioner has filed this Writ Petition.



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WEB COPY 3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 08.01.2022, would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question, by due process of law within a time frame, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 08.01.2022, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after affording sufficient opportunity to the petitioner as well as the 7th respondent and other parties and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

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- 5.The Village Panchayat President,
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