



W.P(MD)No.23371 of 2022

WEB COPY 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.23371 of 2022

K.R.Rajamani

... Petitioner

VS.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4.Nadesan

5.Karanthamalai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action to remove the encroachment made by the respondents 4 and 5 herein in pathway in Survey No.436/9 at Mangalam, Venkaloor Revenue Village, Sivagangai District.



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For Petitioner : Mr.V.Manikandan
For RR 1 to 3 : Mr.N.GA.Nataraj
Government Advocate

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action to remove the encroachment made by the respondents 4 and 5 in the pathway in Survey No.436/9 at Mangalam, Venkaloore Revenue Village, Sivagangai District.

2.Mr.N.GA.Nataraj, learned Government Advocate takes notice for the respondents 1 to 3. Having regard to the nature of the order proposed to be passed, notice to the respondents 4 and 5 is dispensed with.

3.The learned counsel appearing for the petitioner submitted that the petitioner constructed a house in the Natham Survey No.436/11 at Mangalam, Venkaloore Revenue Village, Sivagangai District and the respondents 4 and 5 have constructed a house adjacent to her house. Behind the house of the respondents 4 and 5, there is a pathway in Survey



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No.436/9, which is used by the petitioner and the Villagers to reach the agricultural fields and the burial ground. Since the said pathway was encroached by the respondents 4 and 5 through fencing, the petitioner submitted a representation, dated 16.09.2021 to the second respondent, who by order dated 23.09.2021, directed the third respondent to remove the encroachment. However, the third respondent directed the petitioner to pay the amount for measuring the abovesaid land and the petitioner also made necessary payment. No action was taken thereafter. Hence, the petitioner made another representation to the respondent on 14.08.2022 to remove the encroachment made by the respondents 4 and 5, but no steps were taken to remove the encroachment. Hence, this Writ Petition.

4. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the representations of the petitioner, dated 16.09.2021 and 14.08.2022 will be disposed of by the respondents 1 to 3 in accordance with law within a time frame, for which course, the learned counsel appearing for the petitioner is agreeable.



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5. Thus, recording the above submissions, 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 1 to 3 to consider the representations of the petitioner, dated 16.09.2021 and 14.08.2022, after affording an opportunity of hearing to the petitioner, respondents 4 and 5 and all other parties concerned and pass appropriate orders on merits and in accordance with 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.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
11.10.2022



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