



W.P.(MD)No.24041 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2022

CORAM

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

W.P(MD)No.24041 of 2022

Selvakumar

... Petitioner

Vs.

1.The District Collector,  
Trichirappalli District,  
Trichirappalli.

2.The Revenue Divisional Officer,  
Srirangam,  
Vannankovil,  
(Trichy Madurai Main Road),  
Trichirappalli.

3.The Thasildar,  
Taluk Office,  
Marunagpuri Taluk,  
Trichirappalli District.

4.Palanisamy

5.Ponnaiah

6.Selvapandi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to remove the encroachment made in Kurunji Nagar Colony to



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Aathuvari (Varathuvari) public road in Survey No.140/4A, 4B, 6A1, 6A2, 7A1, 7A2, 7B1, 7B2, 8A1, 8A2, 8B2, 10A and 10B plotted and sub divided into 140/4B, 6A1, 7A2, 7B2, 8A1 and 10A clubbed as 4B as per Special Tahsildar, (ADW), Kulithalai award 1/85-86 dated 3.6.1985 and TK 8A 1/95 dated 29.07.1985 in Kanchanayackanpatti Village, Marungapuri Taluk, Trichirappalli District encroached by the respondents 4 to 6, pursuant to the representation of the petitioner dated 29.06.2022 and the proceedings of the 1<sup>st</sup> respondent in O.Mu.No.Aa1/23144/2022 dated 07.07.2022.

For Petitioner : Mr.V.Illanchezian

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 respondents to remove the encroachment made by the respondents 4 to 6 in Kurunji Nagar Colony to Aathuvari (Varathuvari) public road in Survey No.140/4A, 4B, 6A1, 6A2, 7A1, 7A2, 7B1, 7B2, 8A1, 8A2, 8B2, 10A and 10B plotted and sub divided into 140/4B, 6A1, 7A2, 7B2, 8A1 and 10A clubbed as 4B as per Special Tahsildar, (ADW), Kulithalai award 1/85-86 dated 3.6.1985 and TK 8A 1/95 dated 29.07.1985 in Kanchanayackanpatti Village, Marungapuri Taluk,



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Trichirappalli District, based on his representation dated 29.06.2022 and the proceedings of the 1<sup>st</sup> respondent in O.Mu.No.Aa1/23144/2022 dated 07.07.2022.

2. Heard Mr.V.Illanchezian, 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.

4. Alleging that the respondents 4 to 6 have made encroachment in the public road from Kurunji Nagar Colony to Aathuvari (Varathuvari) public road in Kanchanayackanpatti Village, Marungapuri Taluk, Trichirappalli District, the petitioner submitted a representation to the official respondents on 29.06.2022, and though the first respondent by his proceedings in O.Mu.No.Aa1/23144/2022, dated 07.07.2022, directed the second



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respondent to take action on his representation and pursuant to which, a Peace Committee Meeting was held on 26.08.2022, according to the learned counsel for the petitioner, no further step has been taken for removal of encroachment. Hence, the writ petition.

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 respondents 2 and 3 to dispose of the representation of the petitioner, dated 29.06.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, this Court, 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, disposes of this Writ Petition with a direction to the respondents 2 and 3 to consider the representation of the petitioner dated 29.06.2022 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 4 to 6 and any other parties concerned, the respondents 2 and 3 are directed to take necessary action for removal of encroachment in the public road from Kurunji Nagar Colony to Aathuvvari (Varathuvvari) public road in Kanchanayackanpatti Village, Marungapuri Taluk, Trichirappalli 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 the above representation. No costs.

**[R.M.D., J.]                      [J.S.N.P., J.]**  
**19.10.2022**

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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**R.MAHADEVAN, J.**

and

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

sj

3.The Thasildar,  
Taluk Office,  
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