

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.15963 of 2018

K.Balraj

... Petitioner

Vs.

1.The District Collector,
Viruthunagar District,
Viruthunagar.

2.The District Revenue Officer,
Viruthunagar.

3.The Tahsildar,
Srivillipudur Taluk,
Viruthunagar District.

4.The Executive Officer,
Sundarapandiyam Town Panchayat,
Sundarapandiyam,

Srivillupudur Taluk,
Virudhunagar District.

5.R.Sundar Raj ... Respondents
(R4 is amended vide order of this Court dated 26.08.2019 in
WMP(MD)No.17742 of 2018.)

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a
Writ of Mandamus directing the 1st to 4th respondents herein to take appropriate
action to remove encroachment created by the 5th respondent in Public road.

For Petitioners : Mr.P.Karthick

For Respondents : Mr.S.P.Maharajan
Spl. Govt. Pleader for R1 to R4
No appearance for R5

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 4 to take appropriate action to remove the
encroachments made by the 5th respondent in the Public road namely,
Sundarapandiyam Town Panchayat road at Virudhunagar District.

2. It is the case of the petitioner that the fifth respondent has made encroachments in the above said public road and caused disturbance to the ingress and egress of local residents to the said road. In this regard, the petitioner made a representation on 22.12.2014, to the first respondent and the first respondent forwarded the same to the fourth respondent for necessary action. Thereafter, the fourth respondent issued a notice dated 19.03.2015, to the fifth respondent directing him to appear for an enquiry, failing which the encroachments made by him will be removed and the cost for such removal of encroachments will be recovered from him. Despite that, the fifth respondent did not appear before the fourth respondent and thereafter, no action was taken. Hence, the petitioner has filed this Writ Petition.

3. Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner dated 22.12.2014 will be considered at the earliest and appropriate action will be taken for removal of

encroachments, if any, within a time frame, for which, the learned counsel for the petitioner is agreeable.

4. Thus, recording the above submission, this Writ Petition is disposed of with a direction to the official respondents to consider the representation of the petitioner dated 22.12.2014, if not considered earlier and if there is any encroachments, remove the same, after affording an opportunity of 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 a copy of this order. No costs.

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

10.10.2022

vsm

To

- 1.The District Collector,
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Viruthunagar.
- 2.The District Revenue Officer,
Viruthunagar.
- 3.The Tahsildar,
Srivillipudur Taluk,
Viruthunagar District.
- 4.The Executive Officer,
Sundarapandiyam Town Panchayat,
Sundarapandiyam, Srivillupudur Taluk,
Virudhunagar District.

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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

vsm

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