



W.P.(MD)No.23586 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.10.2022

CORAM

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

W.P(MD)No.23586 of 2022

24 Manai Telungu Chettiyar Uravinmurai
Through its President,
S.Ariyappan,
S/o. Suppaiyan Chettiyar,
North Street,
Maravar Perungudi,
Aruppukkottai Taluk,
Virudhunagar District.

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Divisional Engineer,
Highways Department,
Madurai Road,
Aruppukkottai Town,
Virudhunagar District.
- 3.The Tahsildar,
Taluk Office,
Aruppukkottai Town,
Virudhunagar District.
- 4.K.Ramasamy Pandian
- 5.Santhanam



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6. Karuppaiah

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to remove the encroachments made by the respondents 4 to 6 in S.No.287/2, Maravar Perungudi Village, Aruppukkottai Taluk and consequently direct the respondents 1 to 3 to lay Thar Road in the S.No.287/2 to an extent of 215 mt in Maravar Perungudi Village, Aruppukkottai Taluk.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents 1 to 3 : Mr.V.Nirmal Kumar
Government Advocate

* * *

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 1 to 3 herein to remove the encroachments made by the respondents 4 to 6 in S.No.287/2, Maravar Perungudi Village, Aruppukkottai Taluk and consequently direct the respondents 1 to 3 to lay Thar Road in the said survey number.



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2. Heard Mr.M.Thirunavukkarasu, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate, 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. Claiming that the respondents 4 to 6 have made encroachments in the cart track in S.No.287/2, Maravar Perungudi Village, Aruppukkottai Taluk, by constructing houses and thereby obstructing the movement of the public over the said cart track, the petitioner submitted a representation to the official respondents on 18.04.2022 and pursuant to the same, the second respondent has sent a communication dated 11.08.2022, to the petitioner, stating that after identifying the encroachments by conducting a survey, the same would be removed and a road would be laid. Though the Surveyor conducted a survey in the said survey number on 21.09.2022 and identified the extent of encroachments made by the



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respondents 4 to 6, according to the learned counsel for the petitioner, no further action has been taken for removal of the encroachments. 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 third respondent to dispose of the representation of the petitioner dated 18.04.2022, in accordance with law, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, 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 third respondent to consider the representation of the petitioner dated 18.04.2022 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 presence of the petitioner, the respondents 4 to 6 and any other parties concerned, the third respondent is directed to take



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necessary action for removal of encroachment in the cart track in S.No.287/2, Maravar Perungudi Village, Aruppukkottai Taluk, 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.]
13.10.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Divisional Engineer,
Highways Department,
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