



W.P.(MD)No.23681 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

CORAM

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

W.P(MD)No.23681 of 2022

SP.Raja

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The District Revenue Officer, (DRO)
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer, (RDO),
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi.
- 5.The Block Development Officer,
Sakkottai Panchayat Union,
Sakkottai,
Karaikudi Taluk,
Sivaganga District.

6.E.Rajesh

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 5 to take follow-up action on the basis of the representation of the petitioner dated 09.08.2022 for inspection of layout formed in S.No. 247/3, 247/4, 247/5 in Illupakudi Village, Karaikudi Taluk, Sivaganga District and to take action for the violation of the layout rules and to remove any encroachments in the pathway impeding the access of the petitioner to his lands and to take suitable action.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondents 1 to 5 : Mr.G.V.Vairam Santhosh
Additional 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 1 to 5 to take follow-up action on the basis of his representation dated 09.08.2022, for inspection of layout formed in S.Nos.247/3, 247/4, 247/5 in Illupakudi Village, Karaikudi Taluk, Sivaganga District and to take action for the violation of the layout rules and to remove any encroachments in the pathway impeding the access of the petitioner to his lands and to take suitable action.



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2. Heard Mr.R.Sundar Srinivasan, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5. 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 sixth respondent is dispensed with.

4. Alleging that on the northern side of the petitioner's property, the sixth respondent has formed a layout without providing land for road, park and open space and got approval from the Sakkottai Panchayat Union and in addition to that he made encroachment in S.No.247/8A3 in Iluppakudi Village, Karaikudi Taluk, Sivaganga District and thereby preventing the access to the adjoining fields, the petitioner submitted a representation to the official respondents on 09.08.2022 and the same, according to the learned counsel for the petitioner, remains as such.



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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 4 and 5 to consider and dispose of the representation of the petitioner dated 09.08.2022, 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 respondents 4 and 5 to consider the representation of the petitioner dated 09.08.2022, 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, sixth respondent and all other parties concerned, the respondents 4 and 5 are directed to take necessary action for removal of encroachment S.No.247/8A3 in Iluppakudi Village, Karaikudi Taluk, Sivaganga District, 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



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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.]
14.10.2022

Internet : Yes / No

Index : Yes / No

sj

To

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Sivagangai District.
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Sakkottai Panchayat Union,
Sakkottai,
Karaikudi Taluk,
Sivaganga District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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