



W.P(MD) No.23346 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM:

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

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S.Manickam

... Petitioner

-VS-

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai East Taluk,
Madurai District, Madurai.

3. Narasingam Panchayat,
Rep. by its Panchayat Secretary,
Narasingam, Madurai East Taluk,
Madurai District, Madurai.

4. V.Bose @ Karruppu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 28.06.2018 and thereby remove the encroachment made by the fourth respondent at public street, situated at



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S.No.85/1A1AY, Manoharan Shop Street, Narasingam IV Pit Village, Madurai East Taluk, Madurai District, within the time stipulated by this Honble Court.

For Petitioner : Mr.Pala.Ramasamy

For Respondents : Mr.N.GA.Naaraj,
Government Advocate
for R1 to R3
Mr.V.Nagendram for R4

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 3 to remove the encroachment made by the fourth respondent in a public street, at S.No.85/1A1AY, Manoharan Shop Street, Narasingam IV Pit Village, Madurai East Taluk, Madurai District, based on his representation dated 28.06.2018, within a time frame.

2. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 3, produced a communication of the Assistant Revenue Inspector, Arumbanur Taluk,



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dated 10.10.2020, along with sketch and extracts of relevant revenue records, addressed to him and submitted that that the property in question is being used by the public as a public street and that there is no encroachment as alleged by the petitioner.

3. The aforesaid submission has been stoutly refuted by the learned counsel for the petitioner stating that the encroachment is still in existence in the aforesaid place. He further submitted that it would be suffice if the representation of the petitioner dated 28.06.2018 submitted to the respondents 1 to 3, is disposed of on merits and in accordance with law, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents, to consider the representation of the petitioner dated 28.06.2018, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner as well as all the parties concerned and also by due process of law 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.]
18.10.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai East Taluk,
Madurai District, Madurai.

3. Panchayat Secretary,
Narasingam Panchayat,
Narasingam, Madurai East Taluk,
Madurai District, Madurai.



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

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