



W.P.(MD) No.24552 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.24552 of 2022

Sri Dabaas Residents' Welfare Rights Association,
Represented by its Secretary,
S.Jeyabalan.

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Sub Division,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi,
Sivagangai District.



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4.The Block Development Officer (V.P.)
Kallal Panchayat Union,
Sivagangai District.

5.The Village Panchayat President,
Thalakkavur,
Managiri Village,
Karaikudi Taluk,
Sivagangai District.

6.R.Ramalingam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in 20 feet main road, Survey No.104 in Thenandal Nagar, Managiri Village, Kallal Panchayat Union, Karaikudi Taluk, Sivagangai District based on the petitioner's representation dated 30.09.2022.

For Petitioner : Mr.P.Aju Tagore

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 to R3

Mr.V.Nirmal Kumar,
Government Advocate for R4 & R5



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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 5 to remove the encroachment made by the 6th respondent in the 20 feet main road, in Survey No.104, Thenandal Nagar, Managiri Village, Kallal Panchayat Union, Karaikudi Taluk, Sivagangai District, based on the petitioner's representation dated 30.09.2022.

2. Heard Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice for respondents 1 to 3 and Mr.V.Nirmal Kumar, learned Government Advocate takes notice for respondents 4 and 5. In view of the nature of the order proposed to be passed, notice to the sixth respondent is dispensed with.

3. The learned counsel appearing for the petitioner submitted that though the petitioner made a representation on 30.09.2022 to the respondents 1 to 5 seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.



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4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 30.09.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, for which, the learned counsel for the petitioner is agreeable.

5. 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 30.09.2022, on merits and in accordance with law. If there is any encroachment, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

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- 4.The Block Development Officer (V.P.)
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