



W.P.(MD)No.5011 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

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

W.P(MD)No.5011 of 2016
W.M.P.(MD) No.4466 of 2016

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... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.Cliton

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents No. 1 to 3 to remove the encroachment put up by the 4th respondent in Survey No.1377/5, Kootapuli, Levingipuram Village, Radhapuram Taluk, Tirunelveli District in pursuance to the petitioner's representation dated 09.12.2015 within the time stipulation as prescribed by this Hon'ble Court.



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For Petitioner : Mr.R.Anand

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special 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 No.1 to 3 to remove the encroachment put up by the 4th respondent in Survey No.1377/5, Kootapuli, Levingipuram Village, Radhapuram Taluk, Tirunelveli District in pursuance of the petitioner's representation dated 09.12.2015 within a time frame.

2. Heard Mr.R.Anand, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 3.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.



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4. Claiming that the public pathway in Survey No. 1377/5, Kootapuli, Levingipuram Village, Radhapuram Taluk, Tirunelveli District is encroached by the fourth respondent by putting a compound wall, the petitioner submitted a representation to the official respondents on 09.12.2015 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the third respondent to consider the representation of the petitioner dated 09.12.2015, in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of 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 09.12.2015 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, fourth respondent and any others concerned, necessary



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action has to be taken by the authorities for removal of encroachment on the public pathway in Survey No.1377/5, Kootapuli, Levingipuram Village, Radhapuram Taluk, Tirunelveli District, by following due process of law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

[R.M.D., J.] [J.S.N.P., J.]
09.09.2022

Internet : Yes / No

Index : Yes / No

sj

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