



W.P.(MD) No.25130 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

W.P.(MD) No.25130 of 2022

Marimuthu

... Petitioner

-VS-

1.The District Collector
Pudukkottai District
Pudukkottai

2.The Tahsildar
Taluk Office
Kulathur Taluk
Pudukkottai District

3.The Block Development Officer
Block Development Office
Annavasal Post
Pudukkottai District

4.The President
Annavasal Panchayat Union
Pudukkottai

5.Krishnan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the public pathway situated at Survey No.128/15, Sathiyamangalam Village, Kulathur Taluk, Pudukkottai District, based on the petitioner's representation dated 20.09.2022.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R4

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 to 4.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the fifth respondent is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the public pathway situated at Survey No. 128/15 of Sathiyamangalam Village, Kulathur Taluk, Pudukkottai District, based on the petitioner's representation dated 20.09.2022.

5. Learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that as projected by the petitioner, the fifth respondent has made encroachment in the public pathway and the same would be removed, in accordance with law, after giving due notice to the fifth respondent.

6. In view of the above submission, the respondents 2 and 3 are directed to issue notice to the fifth respondent, in the manner known to law, to remove the encroachment made by him in the public pathway in Survey No. 128/15 of Sathiyamangalam Village, Kulathur Taluk, Pudukkottai District, within a stipulated time. If he fails to remove the encroachment within the time stipulated, the same shall be removed by the respondents 2 and 3 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.



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7. With the above direction, this writ petition stands disposed of.

No costs.

[T.R., A.C.J.] [R.M.D., J.]

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Index : Yes / No

Internet : Yes / No

krk / myr

To:

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Taluk Office, Kulathur Taluk,
Pudukkottai District.
- 3.The Block Development Officer,
Block Development Office,
Annavaasal Post,
Pudukkottai District.
- 4.The President,
Annavaasal Panchayat Union,
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T.RAJA, A.C.J.
and
R.MAHADEVAN, J.

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