



W.P.(MD) No.25288 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.25288 of 2022

and

W.M.P.(MD)Nos.19385 & 19386 of 2022

1.Nagendran

2.Anith Gunasekaran

... Petitioners

-Vs-

1.The District Collector,
The Collectorate Office,
Madurai District.

2.The Thasildhar,
Tirumangalam Taluk,
Tirumangalam,
Madurai.

3.The President,
Puliyangulam Village,
Chekkanoorani,
Tirumangalam Taluk,
Tirumangalam,
Madurai.

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4.D.Murugan

5.R.Rajakannan

... 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 take necessary action for removal of the encroachments made by the respondents 4 and 5 in the public common pathway / cart track comprised in S.Nos.23/5A1, 24/1A, 2A, 24/5A1A, Kongarpuliankulam Village, Tirumangalam Taluk, Chekkanoorani, Madurai District on the basis of petitioner's representations dated 03.10.2022 and 10.10.2022.

For Petitioners : Mr.P.Raja Gopalan
For R1 & R2 : Mr.P.Thilak Kumar,
Government Pleader.

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed, seeking a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action for removal of the encroachments made by the respondents 4 and 5 in the public common pathway /

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cart track comprised in S.Nos.23/5A1, 24/1A, 2A, 24/5A1A, Kongarpuliankulam Village, Tirumangalam Taluk, Chekkanoorani, Madurai District on the basis of the first petitioner's representations dated 03.10.2022 and 10.10.2022.

2. Heard Mr.P.Raja Gopalan, learned counsel appearing for the petitioners and Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 3 to 5 is dispensed with.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the claim of the petitioners that the respondents 4 and 5 encroached the common public pathway / cart track in the aforesaid survey numbers and in this regard, the first petitioner made representations on 03.10.2022 and 10.10.2022, seeking removal of the aforesaid encroachment. However, till date, the respondents have not taken any steps to remove the said

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encroachment. Hence, the petitioners have filed this Writ Petition.

5. The learned Government Pleader appearing for the respondents 1 and 2 submitted that the representations of the first petitioner dated 03.10.2022 and 10.10.2022 would be considered by the official respondents and appropriate action will be taken to remove the said encroachment, if any, in the place in question, for which, the learned counsel for the petitioners is agreeable.

6. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representations of the first petitioner dated 03.10.2022 and 10.10.2022, on merits and in accordance with law. If there is any encroachment in the place in question, 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 twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

vsm

[R.M.D., J.] & [J.S.N.P., J.]
08.11.2022

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WEB COPY : Yes / No
Internet : Yes / No

To

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VSM

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