



W.P.(MD) No.25429 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

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

W.P.(MD) No.25429 of 2022

P.Rengasamy

... Petitioner

-vs-

1.The District Collector
Trichy District, Trichy

2.The Revenue Divisional Officer
Musiri, Trichy District

3.The Tahsildar
Musiri Taluk
Trichy District

4.Ramakrishnan

5.Periyasamy

6.Selvarani

... 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 remove the



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encroachment made by the respondents 4 to 6 in Government Pathway comprised in Survey No.845/34, situated at Pulivalam Village, Musiri Taluk, Trichy District, by considering the petitioner's representation dated 06.11.2022.

For Petitioner : Mr.Suresh Kannan.C.

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3

ORDER

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

Mr.S.P.Maharajan, learned Special government Pleader, takes notice for the respondents 1 to 3.

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 private respondents is dispensed with.

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



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4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in the Government Pathway in Survey No. 845/34 of Pulivalam Village, Musiri Taluk, Trichy District, based on the petitioner's representation dated 06.11.2022.

5. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that though the petitioner alleges that the respondents 4 to 6 have made encroachments in the subject pathway, he has also made an encroachment therein.

6. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 3 are directed to consider the petitioner's representation dated 06.11.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the subject pathway by any of the parties, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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