



W.P.(MD)No.25591 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

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

W.P(MD)No.25591 of 2022

R.Ayyalu

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
Block Development Office,
Vadamadurai,
Dindigul District.

3.Arumugam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate steps to remove the encroachments made by the 3rd respondent in public pathway situated at Survey No. 130/3B1A1, V. Singarakottai Village, Vedasanthur Taluk, Dindigul District and based on petitioner's representation dated 09.09.22 within a stipulated time as prescribed by this Hon'ble Court.



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For Petitioner

: Mr.A.Chandrakumar

For Respondents 1 & 2

: Mr.G.V.Vairam Santhosh

Additional 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 1 and 2 to take appropriate steps to remove the encroachments made by the 3rd respondent in the public pathway situated at Survey No. 130/3B1A1, V. Singarakottai Village, Vedasanthur Taluk, Dindigul District, based on his representation dated 09.09.2022, within a time frame.

2. Heard Mr.A.Chandrakumar, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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



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4. Alleging that the 3rd respondent has made encroachment in the public pathway situated at Survey No. 130/3B1A1, V. Singarakottai Village, Vedasanthur Taluk, Dindigul District, and thereby preventing the public from using the said pathway, the petitioner submitted a representation to the official respondents on 09.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the respondents to dispose of his representation dated 09.09.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the 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 respondents to consider the representation of the petitioner dated 09.09.2022, and pass appropriate orders on merits and in



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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, the 3rd respondent and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment in the public pathway situated at Survey No.130/3B1A1, V. Singarakottai Village, Vedasanthur Taluk, Dindigul District, after affording an opportunity of hearing to all the parties concerned and 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. No costs.

[R.M.D., J.] [J.S.N.P., J.]
11.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Block Development Officer,
Block Development Office,
Vadamadurai,
Dindigul District.



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and

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