



W.P.(MD)No.25999 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

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

W.P(MD)No.25999 of 2022

K.Vedikkai Chellaiah

... Petitioner

Vs.

- 1.The District Collector,
Tiruchirappalli District,
Collectorate Buildings,
Cantonment, Trichirappalli – 620 001.
- 2.The Tahsildhar,
Manapparai Taluk,
Tahsildhar's Office,
Manapparai, Trichy District – 621 306.
- 3.The District Revenue Officer,
Trichirappalli District.
- 4.The Revenue Divisional Officer,
Srirangam Zone, Trichirappalli District.
- 5.The Block Development Officer,
Manapparai Taluk,
Trichirappalli District.
- 6.The Commissioner,
Manapparai Municipality,
Manapparai Town and Taluk,
Trichirappalli District.



W.P.(MD)No.25999 of 2022

7.Duraisamy

8.Muniyappan

9.Andichiyammal

10.Arumgam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 to take necessary and immediate actions required upon considering the petitioner's representation dated 06.10.2022 in order to remove the encroachments made by the respondents 7 to 10 in the 'public roads' situated in New T.S.Nos.1/12 to 1/17 (Corresponding old Survey Nos.777/5A, 777/5B and 779/1) 'Sivasakthi Nagar' layout of Fathima Malai, Sevalur revenue village, Manapparai Town, Trichy District within time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.K.S.Kathiravan

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

For 6th Respondent : Mr.V.Nirmal Kumar,
Government Advocate

* * *

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 to



W.P.(MD)No.25999 of 2022

6 to consider his representation dated 06.10.2022, and to take necessary and immediate actions, in order to remove the encroachments made by the respondents 7 to 10 in the 'public roads' situated in New T.S.Nos.1/12 to 1/17 (Corresponding old Survey Nos.777/5A, 777/5B and 779/1), 'Sivasakthi Nagar' layout of Fathima Malai, Sevalur revenue village, Manapparai Town, Trichy District, within a time frame.

2. Heard Mr.K.S.Kathiravan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the 6th respondent. 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 respondents 5 and 7 to 10 is dispensed with.

4. Alleging that the respondents 7 to 10 have made constructions obstructing the access to the public roads in New



W.P.(MD)No.25999 of 2022

T.S.Nos.1/12 to 1/17 (Corresponding old Survey Nos.777/5A, 777/5B and 779/1), 'Sivasakthi Nagar' layout of Fathima Malai, Sevalur Revenue Village, Manapparai Town, Trichy District, the petitioner submitted a representation to the official respondents on 06.10.2022, 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 2 and 6 to dispose of his representation dated 06.10.2022, 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 2 and 6 to consider the representation of the petitioner dated 06.10.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the



W.P.(MD)No.25999 of 2022

petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 7 to 10 and any other parties concerned, the authorities shall take necessary action for removal of the encroachment, 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 twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
17.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Tiruchirappalli District,
Collectorate Buildings,
Cantonment, Trichirappalli – 620 001.
- 2.The Tahsildhar,
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Tahsildhar's Office,
Manapparai, Trichy District – 621 306.
- 3.The District Revenue Officer,
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W.P.(MD)No.25999 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

4.The Revenue Divisional Officer,
Srirangam Zone, Trichirappalli District.

5.The Commissioner,
Manapparai Municipality,
Manapparai Town and Taluk,
Trichirappalli District.

W.P(MD)No.25999 of 2022

17.11.2022