



W.P.(MD)No.26165 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2022

CORAM

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

W.P(MD)No.26165 of 2022

Shanmugam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Tahsildar Office,
Karaikudi,
Sivagangai District.
- 3.The Block Development Officer,
Karaikudi,
Sivagangai District.
- 4.The Village Administrative Officer,
O. Siruvayal Village,
Sivagangai District.
- 5.The President,
O. Siruvayal Village Panchayat,
O. Siruvayal Village,
Sivagangai District.

6.Ramesh

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the 6th respondent in the common pathway in Sy. No.170 and 212 in South Street, O.Siruvayal Village Panchayat, O.Siruvayal Village, Karaikudi Taluk, Sivagangai District, on the basis of the representation dated 29.09.2022, within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents 1, 2 & 4 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 3 and 5 : Mr.S.P.Maharajan,
Special 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 to 3 to remove the encroachment made by the 6th respondent in the common pathway in Survey Nos.170 and 212 in South Street, O.Siruvayal Village Panchayat, O.Siruvayal Village, Karaikudi Taluk, Sivagangai District, on the basis of his representation dated 29.09.2022, within a time frame.



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2. Heard Mr.P.M.Vishnuvarthanan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1, 2 and 4 and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 3 and 5. 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 6th respondent is dispensed with.

4. Alleging that the 6th respondent has made encroachment in the common pathway in Survey Nos.170 and 212 in South Street, O.Siruvayal Village Panchayat, O.Siruvayal Village, Karaikudi Taluk, Sivagangai District, and though the respondents 2 and 3 have conducted survey and found out the encroachment made by the 6th respondent and the 6th respondent was directed to remove the encroachment, till date, no action has been taken to remove the said encroachment, the petitioner submitted a representation dated 29.09.2022 to the respondents and the same, according to the



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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 second respondent to dispose of his representation dated 29.09.2022, 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 second respondent to consider the representation of the petitioner dated 29.09.2022, and pass appropriate orders on merits and in 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 6th respondent and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of



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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.]
18.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Tahsildar Office,
Karaikudi,
Sivagangai District.
- 3.The Block Development Officer,
Karaikudi,
Sivagangai District.
- 4.The Village Administrative Officer,
O. Siruvayal Village,
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- 5.The President,
O. Siruvayal Village Panchayat,
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Sivagangai District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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