



W.P.(MD) No.26236 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM:

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

W.P.(MD) No.26236 of 2022

and

W.M.P.(MD) No.20401 of 2022

A.Kumar

... Petitioner

-VS-

1.The District Collector
Pudukottai District

2.The Tahsildar
Thirumayam Taluk
Thirumayam
Pudukottai District

3.Kannammal

4.G.Aadaikappan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to take immediate action for the removal of encroachment made by the respondents 3 and 4 in the common pathway in Survey Nos.1052/13 & 1052/16 to an extent of 7 Feet



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width and approximately 50 feet situated at Melathamuthupatti, Namanasamuthiram Post, Ponnamaravathi Taluk, Pudukkottai District, based on the petitioner's representation dated 29.10.2022, submitted for removal of encroachment and in the light of G.O.Ms.No.540, dated 04.12.2014, within a time frame.

For Petitioner : Mr.S.Alagusundar

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 & R2

ORDER

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

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the respondents 1 & 2.

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 second respondent to take immediate action for removal of encroachment made by the respondents 3 and 4 in the common pathway in Survey Nos.1052/13 & 1052/16, to an extent of 7 Feet width (approximately 50 Feet), situated at Melathamuthupatti, Namanasamuthiram Post, Ponnamaravathi Taluk, Pudukkottai District, based on the petitioner's representation dated 29.10.2022 G.O.Ms.No.540, dated 04.12.2014, within a time frame

5. The grievance of the petitioner is that though he made a representation, as early as on 29.10.2022 to the respondents 1 & 2 seeking removal of the encroachments made by the private respondents in the aforesaid survey numbers, till date the same has not been considered.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the petitioner's representation, dated 29.10.2022 would be considered and appropriate action would be taken, in accordance with law.



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7. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 & 2 are directed to consider the petitioner's representation dated 29.10.2022 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, 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 eight (8) weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed

[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,
Pudukottai District.

2.The Tahsildar,
Thirumayam Taluk,
Thirumayam, Pudukottai District.



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