



W.P.(MD)No.26496 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

CORAM

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

W.P(MD)No.26496 of 2022

Abdul Rahman

... Petitioner

Vs.

1.The District Collector,
Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi.

3.The Tahsildar,
Aranthangi.

4.Abdul Pari

5.Rafeek Mohamed

6.S.Umar Haththab

7.Sahabudeen

8.Syed Ibrahim

9.Kadhar Naina

10.Bakrudeen

11.Jannath Beevi

12.Kalifullah

... 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 No. 1 to 3 to remove the encroachments made by the Respondents No.4 to 12 in Survey Nos.76/19 and 79/1,2 of Merpanaikkadu Revenue Village, Aranthangi Taluk, Pudukottai District.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents 1 to 3 : Mr.P.Thilak Kumar
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 encroachments made by the respondents 4 to 12 in Survey Nos.76/19 and 79/1,2 of Merpanaikkadu Revenue Village, Aranthangi Taluk, Pudukottai District.

2. Heard Mr.RM.Arun Swaminathan, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 to 12 is dispensed with.

4. Alleging that the respondents 4 to 12 have made encroachment in the rain water channel, classified as Sarkar Poramboke, and road margins in Survey Nos.76/19 and 79/1,2 of Merpanaikkadu Revenue Village, Aranthangi Taluk, Pudukottai District, due to which, rain water is getting stagnated in the street and the vehicles could not freely move, the petitioner submitted a representation to the 3rd respondent on 25.01.2021, 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 3rd respondent to dispose of his representation dated 25.01.2021, within a time frame.



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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 3rd respondent to consider the representation of the petitioner dated 25.01.2021, 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 respondents 4 to 12 and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties 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.]
24.11.2022

Internet : Yes / No
Index : Yes / No
sj



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To

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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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