



W.P.(MD) No.26568 of 2022

WEB COPY 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.26568 of 2022
and
W.M.P.(MD) No.20760 of 2022**

S.Laveen Vikram

... Petitioner

-VS-

- 1.The District Collector
Collectorate
Tirunelveli District
- 2.The Tahsildar
Palayamkottai Taluk Office
Tirunelveli District
- 3.The Block Development Officer
Block Development Office
Palayamkottai, Tirunelveli District
- 4.The Executive Officer
Sivanthipatti Village Panchayat
Palayamkottai Taluk
Tirunelveli

5.B.Mariappan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent by laying Jally Road and obstruction in public pathway for his own commercial purpose which belongs to Sivanthipatti Village Panchayat situated in Survey Nos.1176/1A1C, 1191/1B at Sivanthipatti Village Panchayat, Palayamkottai Taluk, Tirunelveli District, by considering the representation dated 15.11.2022 made by the petitioner, within a time frame.

For Petitioner : Mr.I.Pinayagash

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.V.Nirmal Kumar
Government Advocate for R3 & R4

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 & 2 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 3 & 4.

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 respondent is dispensed with.



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3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent by laying a Jally Road and obstruction in the public pathway, for his own commercial purpose, which belongs to Sivanthipatti Village Panchayat, in Survey Nos.1176/1A1C & 1191/1B of Sivanthipatti Village Panchayat, Palayamkottai Taluk, Tirunelveli District, based on the petitioner's representation dated 15.11.2022, within a time frame

5. The grievance of the petitioner is that though he made a representation on 15.11.2022 to the respondents 1 to 4 seeking removal of the encroachment made by the private respondent in the aforesaid survey numbers, till date the same has not been considered.

6. The learned Government Pleaders appearing for the official respondents, on instructions, submitted that the petitioner's representation, dated 15.11.2022 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 to 4 are directed to consider the petitioner's representation dated 15.11.2022 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 twelve (12) 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.]

24.11.2022

Index : Yes / No

Internet : Yes / No

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