



W.P.(MD)No.26965 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.11.2022

CORAM

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

W.P(MD)No.26965 of 2022

K.Nagoorkani

... Petitioner

Vs.

1. The District Collector,
Sivagangai District.
2. The District Collector,
Thanjavur District.
3. The Revenue Divisional Officer,
Sivagangai District..
4. The Tasildhar,
Thiruppuvanam Taluk,
Sivagangai District.
5. The Head Surveyor,
Thiruppuvanam Taluk,
Sivagangai District.
6. The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam Town, Sivagangai District.



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7. The Village Administrative Officer,
Thiruppuvanam Town,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the fourth respondent to remove the encroachment in Thiruppuvanam Town, Ward No.5, Police Quarters Line Street Road, Vandal Nagar and Korakkanathar Kovil to Madurai Mandapam Main Road and Arulmigu Pushbhavaneswarar Temple Theradi to Sangu release place and both sides in street and road as mentioned in the FMB Sketch in Survey No.42, Thiruppuvanam, Sivagangai District, on the basis of petitioner representation dated 03.11.2022.

For Petitioner : Mr.P.P.Illaiyarasu

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 to R5
Mr.V.Nirmal Kumar
Government Advocate for R6

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 fourth respondent to remove the encroachment in Survey No.42, Thiruppuvanam, Sivagangai District, on the basis of his representation dated 03.11.2022.



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2. Heard Mr.P.P.Illaiyarasu, learned counsel for the petitioner;

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5 and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the sixth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Pointing out that some unknown persons have made encroachments on a public road in Survey No.42, Thiruppuvanam, Sivagangai District and thereby causing obstruction to the movement of the public to reach the cremation ground for conducting death rituals, the petitioner submitted a representation dated 03.11.2022, to the first respondent, which according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the fourth respondent to consider and dispose of his representation dated 03.11.2022, in accordance with law.

4. 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



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the Writ Petition, this Writ Petition is disposed of with a direction to the fourth respondent, to consider the representation of the petitioner dated 03.11.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, necessary action has to be taken by the authorities concerned for removal of the same, after affording sufficient opportunity 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.]
30.11.2022

Internet : Yes / No
Index : Yes / No
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5. The Head Surveyor,
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