



W.P.(MD)No.27001 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.27001 of 2022

M.Muruganantham

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Assistant Director (Panchayats),
Madurai, Madurai District.

3. The Block Development Officer,
Kottampatti Panchayat Union,
Melur Taluk, Madurai District.

4. The Assistant Divisional Engineer (Highways),
Construction and Maintenance,
Melur Division, Madurai District.

5. The Tahsildar,
Melur Taluk,
Madurai District.



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6. A.Pandiselvam

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to take effective steps to remove encroachments made by the sixth respondent on the village road in Survey No. 114/2, at Valaicherry patti Village, Kottampatti, Melur Taluk, Madurai District.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R5

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 5, to take effective steps to remove encroachments made by the sixth respondent on the village road in Survey No. 114/2, Valaicherry patti Village, Kottampatti, Melur Taluk, Madurai District.



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2. Heard Mr.B.S.Meltiue, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 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 sixth respondent is dispensed with.

4. Pointing out that the sixth respondent has made encroachment on a public road in Survey No.114/2, Valaicherry patti Village, Kottampatti, Melur Taluk, Madurai District, by putting up fencing and thereby causing obstruction to the movement of the public on the said road, the petitioner submitted a representation dated 24.03.2022, to the Secretary, Rural Development and Panchayat Raj Department, Chennai, 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 respondents 3 to 5 to consider and dispose of his representation dated 24.03.2022, in accordance with law.



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5. 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 respondents 3 to 5, to consider the representation of the petitioner dated 24.03.2022 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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To

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