



W.P.(MD)No.27006 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.27006 of 2022

Nagamuthu

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District, Pudukkottai.

2. The Assistant Director of Survey,
Survey Office, Collectorate Complex,
Pudukkottai - 622 005.

3. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

4. The Block Development Officer (Village Panchayats),
Panchayat Union,
Avudaiyarkovil, Pudukkottai District.

5. The Tahsildar,
Avudaiyarkovil Taluk Office,
Avudaiyarkovil, Pudukkottai District.

6. The Panchayat President,
Karur Village Panchayat, Avudaiyarkovil,
Pudukkottai District.



W.P.(MD)No.27006 of 2022

7. Karuppiah
8. Singarayar
9. Simiyon

... Respondents

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 for removal of encroachment caused by the respondents 7 to 9, on the public path in Survey No.52/16 at Adi Dravidar Colony, Varikudi Village, Avudaiyarkovil Taluk, Pudukkottai District and consequently, direct the respondents 4 and 6 to lay a tar road in the above mentioned public path within a time frame.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R3 and R5
Mr.V.Nirmal Kumar
Government Advocate for R4 & 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 respondents 1 to 5 to take effective steps for removal of encroachment made by the respondents 7 to 9, on the public pathway in Survey No.52/16, Adi Dravidar Colony, Varikudi Village, Avudaiyarkovil Taluk, Pudukkottai District and direct the respondents 4 and 6 to lay tar road in the aforesaid public pathway, within a time frame.



W.P.(MD)No.27006 of 2022

WEB COPY

2. Heard Mr.B.S.Meltiue, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 to 3 & 5; and Mr.V.Nirmal Kumar, learned Government Advocate for the respondents 4 and 6.

3. Pointing out that the respondents 7 to 9 have encroached the public pathway in Survey No.52/16, Adi Dravidar Colony, Varikudi Village, Avudaiyarkovil Taluk, Pudukkottai District, by putting up concrete fence and thereby preventing access to the public, the petitioner submitted a representation dated 06.06.2022, to the fourth respondent and the same, according to 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 1 to 5, to consider the representation of the petitioner dated 06.06.2022, in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 5, to consider the representation of the petitioner dated 06.06.2022, if not considered



W.P.(MD)No.27006 of 2022

earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity to the petitioner, respondents 7 to 9 and all other parties concerned and also by due process of law 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.]
30.11.2022

Internet : Yes / No

Index : Yes / No

pkn

To

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The Assistant Director of Survey,
Survey Office, Collectorate Complex,
Pudukkottai - 622 005.
3. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.
4. The Block Development Officer (Village Panchayats),
Panchayat Union,
Avudaiyarkovil, Pudukkottai District.
5. The Tahsildar,
Avudaiyarkovil Taluk Office,
Avudaiyarkovil, Pudukkottai District.



W.P.(MD)No.27006 of 2022

6. The Panchayat President,
Karur Village Panchayat, Avudaiyarkovil,
Pudukkottai District.



WEB COPY



W.P.(MD)No.27006 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

pkn

W.P(MD)No.27006 of 2022

30.11.2022