



W.P(MD) No.27092 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

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

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M.Raji Banu

... Petitioner

-VS-

1. The District Revenue Officer,
O/o. District Collector, Madurai
District.

2. The Revenue Divisional Officer,
Madurai District, Madurai.

3. The Block Development Officer,
O/o.Block Development,
Thirupparankundram, Madurai.

4. The Thasildar,
Madurai West Taluk, Madurai.

5. The President,
Vilacheri Panchayat, Vilacheri, Madurai.

6. Narkeesh Begam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a writ of Mandamus, directing the respondents 1 to 5 to remove



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the encroachment made by the sixth respondent in the Public pathway situated in Survey no. 327/3, Vilacheri Village, Madurai West Taluk, Madurai within the time fixed by this Honble Court in accordance with law, on the basis of the proceedings of the first respondent dated 04.06.2022 and consequent proceedings dated 17.06.2022, after due notice and in accordance with law within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.Babu Rajendran

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

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

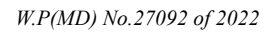
This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in the Public pathway in Survey no. 327/3, Vilacheri Village, Madurai West Taluk, Madurai, on the basis of the proceedings of the first respondent dated 04.06.2022 and 17.06.2022, within a time time.



2. Heard Mr.Babu Rajendran, learned counsel for the petitioner and 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 the aforesaid public pathway in Survey no. 327/3, Vilacheri Village, Madurai West Taluk, Madurai, by constructing a compound wall and thereby, restricting the public movement in the aforesaid pathway, the petitioner submitted a representation to the official respondents on 14.05.2022, based on which, the first respondent *vide* his communications in Mu.Mu.28928/2022/J3, dated 04.06.2022, and O.Mu.No.4062/2022/J, dated 17.06.2022, directed the respondents 2 and 4, to take appropriate action to remove the encroachment, if any and the same, according to the learned counsel, has not been done so far by the official respondents. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the



5. Considering the limited scope of the prayer now sought for by 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 12.02.2022, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of same, after affording sufficient opportunity to all other parties concerned and also by following due process of law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
Internet : Yes / No
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WEB COPY

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and
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