



W.P.(MD)No.27035 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

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

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Petchi

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai.
- 4.The Tahsildhar,
Thiruppuvanam Taluk,
Sivagangai District.

5.Latchumi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1-4 to take necessary action to remove the encroachment in 392/13, T.Paraiyankulam Village, Ladanendhal Group, Thiruppuvanam Taluk, Sivagangai District made by the 5th respondent based on the



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3rd respondent proceeding in Na.Ka.A1/1117/16/2022 dated 27.07.2022.

For Petitioner : Mr.R.Balamuruganantham

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

* * *

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 4 to take necessary action to remove the encroachment made by the 5th respondent in S.No.392/13, situated at T.Paraiyankulam Village, Ladanendhal Group, Thiruppuvanam Taluk, Sivagangai District, based on the proceeding of the 3rd respondent in Na.Ka.A1/1117/16/2022 dated 27.07.2022.

2. Heard Mr.R.Balamuruganantham, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 5th respondent is dispensed with.

4. Alleging that the 5th respondent has made encroachment in the public pathway in S.No.392/13, situated at T.Paraiyankulam Village, Ladanendhal Group, Thiruppuvanam Taluk, Sivagangai District, and put up an iron fence and thereby, blocked the access of the petitioner to her house, the petitioner submitted a representation to the official respondents on 13.07.2022, and though the 4th respondent has directed the Revenue Inspector and Firka Surveyor of Thirupachethi to conduct survey and file a report, according to the learned counsel for the petitioner, no further action has been taken. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, she would be satisfied, if a direction is issued to the 4th respondent to dispose of her representation dated 13.07.2022, within a time frame.



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6. 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 4th respondent to consider the representation of the petitioner dated 13.07.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 5th respondent and any other parties concerned, the authorities shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties 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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