



W.P.(MD)No.27051 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**

W.P(MD)No.27051 of 2022

P.Varatharaj

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

4.Suppammal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments made by the 4th respondent in respect Survey Nos. 1188/7A, 10 feet width road of East to West and 325 feet length for common pathway of Vadamadurai Village, Vedasandur Taluk, Dindigul District and restore the same as common path way based on the petitioner's representation dated



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27.09.2022 and pass final orders on merit and in accordance with law within a reasonable time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Marimuthu

For Respondents 1 to 3 : Mr.N.GA.Nataraj
Government Advocate

* * *

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 3 to remove the encroachments made by the 4th respondent in the common pathway to the extent of 10 feet width and 325 feet length in Survey Nos.1188/7A, of Vadamadurai Village, Vedasandur Taluk, Dindigul District, and to restore the same as common path way based on his representation dated 27.09.2022, and pass final orders on merit and in accordance with law, within a time frame.

2. Heard Mr.N.Marimuthu, learned counsel for the petitioner and Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3. 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 4th respondent is dispensed with.

4. Alleging that the 4th respondent has made encroachment in the common pathway to an extent of 10 feet width and 325 feet length in Survey Nos.1188/7A, of Vadamadurai Village, Vedasandur Taluk, Dindigul District, and thereby, forcing the villagers to go for an alternative pathway, which consumes more time, the petitioner submitted a representation to the official respondents on 27.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the 2nd respondent to dispose of his representation dated 27.09.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the



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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 2nd respondent to consider the representation of the petitioner dated 27.09.2022, 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 4th 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 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
sj

To

1.The District Collector,
Dindigul District,
Dindigul.



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2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.



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sj

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