



W.P.(MD)No.27087 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.27087 of 2022

Kannan

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Block Development Officer,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 4.Govindhan
- 5.R.Gurusamy
- 6.Barathan
- 7.Subbaiah
- 8.Lakshmanan @ Ravi
- 9.Dhandapani
S/o.Krishnasami Naidu



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10.Dhandapani

... 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 encroachment made by the Respondents 4 to 10 in Government Public pathway comprised in S.No.714, situated at Dindigul West Taluk, Dindigul by considering Petitioner's representation dated 11.01.2022.

For Petitioner : Mr.R.Maheswaran

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special 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 3 to remove the encroachment made by the respondents 4 to 10 in Government Public pathway comprised in S.No.714, situated at Dindigul West Taluk, Dindigul, by considering his representation, dated 11.01.2022.

2. Heard Mr.R.Maheswaran, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By



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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 respondents 4 to 10 is dispensed with.

4. Alleging that the respondents 4 to 10 have made encroachment in the Government Public pathway in S.No.714, situated at Dindigul West Taluk, Dindigul, and constructed buildings and bathrooms and thereby, preventing the villagers from using the same, the petitioner submitted several representations to the official respondents and finally on 11.01.2022, and the same, according to the learned counsel for the petitioner, remain 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 3rd respondent to dispose of his representation dated 11.01.2022, 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 3rd respondent to consider the representation of the petitioner dated 11.01.2022, 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 respondents 4 to 10 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

sj



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To

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- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.



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and

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