



W.P.(MD) No.27286 of 2022

WEB COPY 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

W.P.(MD)No.27286 of 2022

Paramasivam

... Petitioner

-Vs-

1.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

2.The Block Development Officer (Village Panchayat),
Sankarankovil, Tenkasi District.

3.The President,
Veerasigamani Panchayat,
Veerasigamani, Tenkasi District.

4.The Sub Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.

5.Arumugam

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent or his men in the Government poramboke street in Survey No.1139/62, situated in Veerasigamani Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner	: Mr.R.J.Karthick
For R1	: Mr.P.Thilak Kumar, Government Pleader
For R2 & R3	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R4	: Mr.T.Senthil Kumar, Additional Public Prosecutor

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent or his men in the Government poramboke street in Survey No.1139/62, situated in Veerasigamani Village, Sankarankovil Taluk, Tenkasi District within a time frame.

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2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the 1st respondent, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 2 and 3 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the 4th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Pointing out that the 5th respondent made encroachment in the street in question, the petitioner sent a representation dated 01.11.2022 to the official respondents, seeking removal of the same. Finding inaction on the part of the official respondents, this Writ Petition is filed.

5.The learned Government Pleader for the 1st respondent, on instructions, submitted that the representation of the petitioner dated 01.11.2022

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would be considered on merits and appropriate action would be taken for removal of encroachment, if any, in the street in question by following due process of law, within a time frame.

6.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 01.11.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the street in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
01.12.2022

Index : Yes / No

Internet : Yes / No

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