



W.P.(MD) No.27323 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27323 of 2022

Sethu Raman

... Petitioner

-Vs-

1.The District Collector,
O/o. The District Collector,
Ramanathapuram, Ramanathapuram District.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk, Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment in Government pathway comprised in Survey No.102/42, Kothangulam Panchayat,

Page 1 of 6



W.P.(MD) No.27323 of 2022

WEB COPY

Paramakudi-Taluk, Ramanathapuram District by considering the petitioner's representation dated 08.08.2022.

For Petitioner : Mr.R.Ilayaraja

For Respondents : Mr.P.Thilak Kumar,
Government Pleader

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 to remove the encroachment in Government pathway comprised in Survey No.102/42, Kothangulam Panchayat, Paramakudi-Taluk, Ramanathapuram District by considering the petitioner's representation dated 08.08.2022 within a time frame.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD) No.27323 of 2022

WEB COPY

3.Pointing out the aforesaid encroachment, the petitioner made a representation dated 08.08.2022 to the respondents 1 and 2, seeking removal of the same. On receipt of the same, the 2nd respondent vide communication dated Na.Ka.B2/7839/2022, dated 12.08.2022, directed the 3rd respondent to take appropriate action to remove the encroachment, if any as alleged by the petitioner. Thereafter, no steps were taken by the 3rd respondent. Hence, the petitioner has filed this Writ Petition.

4.The learned Government Pleader for the respondents, on instructions, submitted that the representation of the petitioner dated 08.08.2022 would be considered on merits and appropriate action would be taken by the authorities concerned for removal of the encroachment, if any, in the place in question by following due process of law, within a time frame.

5.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



W.P.(MD) No.27323 of 2022

petitioner dated 08.08.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place 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.

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

[R.M.D., J.] & [J.S.N.P., J.]
02.12.2022

Index : Yes / No

Internet : Yes / No

Myr

To

1. The District Collector,
O/o. The District Collector,
Ramanathapuram, Ramanathapuram District.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

Page 4 of 6



W.P.(MD) No.27323 of 2022

WEB COPY

3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.



WEB COPY



W.P.(MD) No.27323 of 2022

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AND

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W.P.(MD)No.27323 of 2022

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