



W.P(MD)No.27422 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.27422 of 2022

J.Parthipan

... Petitioner

VS.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Tahsildar,
Thiruvadanai Taluk Office,
Ramanathapuram District.

3.T.Suvakeen
4.T.Rajendran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 16.11.2022 and consequently direct the respondents to remove the encroachment in Survey Nos.159/5A, 162/2B in common pathway at Mugilthagam Village and Post, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner : Mr.P.Muthusamy

For RR 1 & 2 : Mr.P.Thilak Kumar
Government Pleader

1/5



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ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 16.11.2022 and consequently direct the respondents to remove the encroachment in Survey Nos.159/5A, 162/2B in common pathway at Mugilthagam Village and Post, Thiruvadanai Taluk, Ramanathapuram District.

2. Seeking removal of the aforesaid encroachment made by the respondents 3 and 4, the petitioner made a representation, dated 16.11.2022 to the official respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. The learned Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that Survey No.159/5A is classified as a pathway and Survey No.162/2B is a patta land and therefore, he submitted that the authority concerned after verification of the revenue records will proceed with removal of encroachments, if any, in the place in question, by due process of law within a time frame.



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4. In view of the abovesaid submissions, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 16.11.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner in the place in question, after issuing notice and conducting survey in the presence of the petitioner and all other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned including the seventh respondent 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.

5. With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes

[R.M.D.,J.] [J.S.N.P.,J.]
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To

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Ramanathapuram District.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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