

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.16175 of 2017

A.Renuka Devi

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Sivakasi Taluk.
- 4.The Tahsildar,
Sivakasi,
Virudhunagar District.
- 5.The President,
Melamathur Panchayat,
Melamathur,
Sivakasi Taluk.
- 6.Immanuel (Sathya Devan Thirusabai)
- 7.S.Sagitha

8.A.Abraham @ Krishnan

9.I.Chellaih

10.G.Vinayagamurthy

11.S.Pachaiammal

12.P.Chellammal

13.S.S.Gurusamy

14.A.Gandhimathi

15.A.Muniyammal

16.M.Mariammal

... Respondents

[R6 to R16 are impleaded vide order dated
04.09.2017, made in W.M.P.(MD)No.
13263 of 2017]

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 22.05.2017 and consequently, to direct the respondents to cancel the Patta issued to the encroachers in S.No.681/B1, at N.Meenakshipuram Village, Melamathur, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.R.Senthil Kumar

For Respondents 1 to 5 : Mr.S.P.Maharajan
Special Government Pleader

For Respondents 6, 8, 10,
11 and 14 : Mr.PR.Boomee Rajan

For Respondents 9, 12 & 13 : No Appearance

* * *

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 first respondent to consider the petitioner's representation, dated 22.05.2017 and consequently, to direct the respondents to cancel the Patta issued to the encroachers in S.No.681/B1, at N.Meenakshipuram Village, Melamathur, Sivakasi Taluk, Virudhunagar District.

2. Heard Mr.Senthil Kumar, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 5 and Mr.PR.Boomee Rajan, learned counsel for respondents 6 to 8, 10 and 11 to 14.

3. Claiming that the public pathway in S.No.681/B1, at N.Meenakshipuram Village, Melamathur, Sivakasi Taluk, Virudhunagar District is encroached by respondents 6 to 16 by putting up staircase, path room etc., the petitioner submitted a representation to the official respondents on 22.05.2022 and the

same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the fourth respondent to consider the representation of the petitioner dated 22.05.2017, in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of 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 fourth respondent to consider the representation of the petitioner dated 22.05.2017 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, respondents 6 to 16 and any others concerned, necessary action has to be taken by the authorities for removal of unauthorized constructions as well as encroachment on the public pathway in S.No.681/B1, at N.Meenakshipuram Village, Melamathur, Sivakasi Taluk, Virudhunagar District, 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.]
12.09.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Sivakasi Taluk.
- 4.The Tahsildar,
Sivakasi,
Virudhunagar District.
- 5.The President,
Melamathur Panchayat,
Melamathur,
Sivakasi Taluk.

W.P.(MD)No.16175 of 2017

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.16175 of 2017

12.09.2022