



W.P.(MD)No.16984 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.09.2022

CORAM

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

W.P.(MD)No.16984 of 2017

Hameetha Begum

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Dindigul.
- 2.The Sub Collector,
O/o. the Sub Collectorate,
Dindigul.
- 3.The Tahsildar,
O/o. the Tahsildar,
Nilakottai Taluk,
Dindigul District.
- 4.The Commissioner,
Panchayat Union,
Nilakottai,
Dindigul District.
- 5.The Block Development Officer,
O/o. the Block Development Officer,
Nilakottai, Dindigul District.



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6.Mani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in 20 feet common pathway at first Ward, Pandian Nagar, Patchamalayankottai Village, Nilakottai Taluk, Dindigul District, within a stipulated period fixed by this Hon'ble Court.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.P.Maharajan
Additional Government Pleader
for R1 to R3
Mr.V.Nirmal Kumar
Government Advocate for R4 & R5

* * *

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 5 to remove the encroachments made by the sixth respondent in the 20 feet common pathway at Ward No.1, Pandian Nagar, Patchamalayankottai Village, Nilakottai Taluk, Dindigul District, within a time frame.



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2. Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.V.Nirmal Kumar, learned Government Advocate appearing for respondents 4 and 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Pointing out that the sixth respondent has made encroachments in the 20 feet common pathway in the aforesaid Village, the petitioner submitted a representation to the second respondent on 28.06.2017, followed by another representation to the fourth respondent on 30.06.2017 and the same, according to learned counsel for the petitioner, are unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 5, to consider the representations of the petitioner dated 28.06.2017 and 30.06.2017, in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 5, to consider the representations of the petitioner dated 28.06.2017 and 30.06.2017, if not considered earlier and if there is any encroachment as claimed by the



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petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner as well as all the parties concerned and also by due process of law 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.]
29.09.2022

Internet : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
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Dindigul.
- 2.The Sub Collector,
O/o. the Sub Collectorate,
Dindigul.
- 3.The Tahsildar,
O/o. the Tahsildar,
Nilakottai Taluk,
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