



W.P.(MD) No.28319 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.28319 of 2022

P.Soundirarajan

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli District.
- 2.The Tahsildar,
Taluk Office,
Nanguneri Taluk,
Tirunelveli District.
- 3.The Block Development Officer,
Kalakadu Block Development Office,
Salaipudur, Nanguneri Taluk,
Tirunelveli District – 627 107.



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4.The President,
Sengula Kurichi Panchayat,
Chettimedu, Donavur Post,
Nanguneri Taluk,
Tirunelveli – 627 102.

5.M.Sankaranarayanan

6.Tmt.Chendu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment of cement flooring put up by the respondents 5 and 6 herein on public road in Survey No.722/4, Perumal Kovil Street, Chettimedu, Sengula Kurichi Village Panchayat, thereby denying access through the public passage and consequently direct the respondents herein to restore the public road.

For Petitioner : Mr.V.S.Kumaraguru

For Respondents : Mr.P.Thilakkumar,
Government Pleader for R1 to R3.



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment of cement flooring put up by the respondents 5 and 6 herein on public road in Survey No. 722/4, Perumal Kovil Street, Chettimedu, Sengula Kurichi Village Panchayat, thereby denying access through the public passage and consequently, direct the respondents herein to restore the public road.

2. Heard Mr.V.S.Kumaraguru, learned counsel for the petitioner and Mr.P.Thilakumar, learned Government Pleader, who takes notice for the respondents 1 to 3. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 4 to 6 is dispensed with.

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



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4. It is the case of the petitioner that the respondents 5 and 6 have put up a concrete flooring on the public road in the aforesaid survey number and in this regard, though the petitioner made a representation on 14.10.2022, to the respondents 1 to 4, seeking to remove the aforesaid encroachment, till date, no action has been taken by the respondents to remove the same. Hence, the petitioner has come forward with this Writ Petition.

5. The learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the representation of the petitioner dated 14.10.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, by due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.

6. Recording the above submission, without going into the merits of the matter, we direct the third respondent to consider and dispose of the representation of the petitioner dated 14.10.2022, on merits and in accordance



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with law. If there is any encroachment in the place in question, the third respondent shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

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

[D.K.K., J.] [R.V., J.]

16.12.2022

Index : Yes / No

Internet : Yes / No

vsm

To

1.The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli District.



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D.KRISHNAKUMAR, J.
and
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- 2.The Tahsildar,
Taluk Office,
Nanguneri Taluk,
Tirunelveli District.
- 3.The Block Development Officer,
Kalakadu Block Development Office,
Salaipudur, Nanguneri Taluk,
Tirunelveli District – 627 107.
- 4.The President,
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