



W.P(MD)No.28660 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28660 of 2022

K.Baskaran

... Petitioner

VS.

1.The District Collector,
Collector Office,
Madurai District.

2.The Tahsildar,
Taluk Office,
Madurai East Taluk,
Madurai District.

3.The Block Development Officer,
Madurai East Union,
Block Development Office,
Madurai District.

4.The President,
Village Panchayath,
Ilangiyenthal Panchayath,
Puduthamaramipatti Post,
Madurai District.

... Respondents



W.P(MD)No.28660 of 2022

WEB COPY PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in pathway at Survey Nos.70/14 and 73/21 at Ilangiyenthal Village, Survey Nos.33/10, 34/10, 36/1, 37/1, 37/2, 37/9, 38/1 and 35/1 at Sithakkoor Village at Sithakkoor Village, Ilangiyenthal Village Panchayat, Madurai East Taluk, Madurai District by way of considering the representation of the petitioner, dated 12.12.2022.

For Petitioner	: Mr.R.Jegadeeswaran
For RR 1 & 2	: Mr.P.T.Thiraviyam Government Advocate
For R – 3	: Mr.P.Thilak Kumar Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Mr.P.T.Thiraviyam, learned Government Advocate, takes notice for the respondents 1 & 2 and Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the third respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.



W.P(MD)No.28660 of 2022

WEB COPY

2. The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in pathway at Survey Nos.70/14 and 73/21 at Ilangiyenthal Village, Survey Nos.33/10, 34/10, 36/1, 37/1, 37/2, 37/9, 38/1 and 35/1 at Sithakkoor Village at Sithakkoor Village, Ilangiyenthal Village Panchayat, Madurai East Taluk, Madurai District by considering the representation of the petitioner, dated 12.12.2022.

3. According to the petitioner, he is a resident of Sithakkoor Village and there is a pathway from the main road towards the end of Adi-Dravidar Colony. Since there are encroachments in the abovesaid street road, the petitioner made a representation, dated 12.12.2022 to the respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4. The learned counsels appearing for the respondents 1 to 3, on instructions, submitted that the representation of the petitioner, dated 12.12.2022 would be considered and appropriate action will be taken in accordance with law.



W.P(MD)No.28660 of 2022

WEB COPY

5. It is seen that the petitioner made a representation, dated 12.12.2022 to the respondents for removal of encroachment in the pathway and he has filed the present Writ Petition on 19.12.2022, without giving sufficient time to the official respondents to consider the same. Though we are not inclined to entertain the Writ Petition, however, considering the fact that the petitioner seeks for removal of the encroachments in the pathway, 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 12.12.2022 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 and all other parties, the respondents 3 and 4 shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of six (6) weeks from the date of receipt of a copy of this order.



W.P(MD)No.28660 of 2022

WEB COPY 6. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
22.12.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Collector Office,
Madurai District.
- 2.The Tahsildar,
Taluk Office,
Madurai East Taluk,
Madurai District.
- 3.The Block Development Officer,
Madurai East Union,
Block Development Office,
Madurai District.
- 4.The President,
Village Panchayath,
Ilangiyenthal Panchayath,
Puduthamaramipatti Post,
Madurai District.



WEB COPY



W.P(MD)No.28660 of 2022

D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.28660 of 2022

DATED : 22.12.2022