



WEB COPY



W.P.No.25502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.25502 of 2023

R.BALAKRISHNAN,
S/O. RAJAVEL, NO. 22/464 ,
DANISH SCHOOL BACKSIDE,
PUDHUKUPPAM,
VIRUDHACHALAM TOWN,
CUDDALORE DISTRICT.

.. Petitioner

Vs.

1.THE DISTRICT COLLECTOR,
CUDDALORE DISTRICT, CUDDALORE.

2.THE TAHSILDAR,
VIRUDHACHALAM TALUK,
VIRUDHACHALAM ,
CUDDALORE DISTRICT.

3.THE COMMISSIONER,
VIRUDHACHALAM MUNICIPALITY,
VIRUDHACHALAM ,
CUDDALORE DISTRICT.



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4.SARAVANA KUMAR,
S/O. NATARAJAN, PUDHUKUPPAM,
VIRUDHACHALAM TOWN,
CUDDALORE DISTRICT.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 1 to 3 herein to remove the encroachments in the pathway situated in Survey No.63/4B, Pudhukuppam, Virudhachalam Town and Taluk, Cuddalore District, within a time frame.

For Petitioner : Mr.C.Munusamy

For RR1 to 3 : Mr.A.Selvendiran
Special Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer made in this writ petition is to issue a writ of Mandamus directing the respondents 1 to 3 herein to remove the encroachments in the pathway situated in Survey No.63/4B, Pudhukuppam, Virudhachalam Town and Taluk, Cuddalore District, within a time frame.



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2. It is the case of the petitioner that he is having a plot in Survey No.63/4B situated in Pudukuppam, Virudhachalam Town and Taluk; and that, the said residential area is separated into many plots both in the northern and southern side and there is a 20 feet pathway in the middle. The said plots were purchased by several persons and one of such person *viz.* Saravana Kumar has put up barbed iron fencing by blocking the 20 feet pathway in order to prevent the petitioner and other persons from using the same. Therefore, the petitioner has given a representation dated 30.07.2023 to the respondent authorities, but the same has not been considered till date. Finding no other option, he has preferred the present writ petition with the aforesaid prayer.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondent authorities to dispose of the petitioner's representation dated 30.07.2023, within a time frame to be stipulated by this Court, for which, the learned Special Government Pleader taking notice for the respondents 1 to 3, has no serious objection.



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4. In view of the limited relief sought herein, which has not been seriously opposed on the side of the respondent authorities, this court without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 30.07.2023, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this writ petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
30.08.2023

nsd
Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No



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To

1.THE DISTRICT COLLECTOR,
CUDDALORE DISTRICT, CUDDALORE.

2.THE TAHSILDAR,
VIRUDHACHALAM TALUK,
VIRUDHACHALAM ,
CUDDALORE DISTRICT.

3.THE COMMISSIONER,
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