



WEB COPY



WP No. 25803 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P. No.25803 of 2023

S.Makesh

.. Petitioner

Versus

1. The District Collector,
Erode.
2. The Commissioner,
Erode Corporation, Erode.
3. The Revenue Divisional Officer,
Erode.
4. The Tahsildar,
Erode Taluk, Erode.
5. T.P.Kadhirvel

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to act upon the representation made by the petitioner on 15.05.2023 for removal of encroachment in the 30ft road known as Valliammai Street, Narayana Valasu, Erode - 638 011 within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.K.Harinath Babu
For R1, R3 & R4 : Mr.P.Muthukumar,
Government Pleader



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ORDER

(Order of the Court was made by **R. MAHADEVAN. J.**)

The petitioner has filed this writ petition for issuance of Writ of Mandamus to direct the first respondent to remove the encroachment in the 30ft road known as Valliammai Street, Narayana Valasu, Erode - 638 011, by considering the petitioner's representation dated 15.05.2023.

2. According to the petitioner, originally, his family members owned 26,000sq.ft. of lands in R.S.No.130/2, Erode Village, Erode District and a few portion of the same was sold to various purchasers over the period of years from 1991. In the year 1995, the fifth respondent had purchased 4015 sq.ft from three persons under three different sale deeds. In the said sale deeds standing in the name of the fifth respondent, it was clearly mentioned that there is a 30ft road on the Southern side of the fifth respondent's property. While so, the fifth respondent had illegally encroached upon a portion of the 30ft public road by putting up a compound wall, thereby reducing the size of the road. By reason of such encroachment, the petitioner and other villagers have been put to much hardship for their ingress and egress. Aggrieved by the deplorable encroachment made by the fifth respondent and transgression into public property, the petitioner approached the competent authorities to remove



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the said encroachment made by the fifth respondent. The Corporation Engineer-cum-Assistant Commissioner, Zone - II, Erode Corporation *vide* communication dated 26.04.2023 acknowledged the fact that there is encroachment in the street. However, there was no response on the request of the petitioner. Thereafter, the petitioner made a detailed representation dated 15.05.2023 to the first respondent to remove the illegal encroachment made by the fifth respondent, but the same is kept pending without any consideration till date. Hence, he has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that pointing out the glaring encroachment made by the fifth respondent, the petitioner has made representation to the official respondents requesting to take action for removal of the same. However, there was no progress in this regard. Therefore, the learned counsel prayed this Court to issue appropriate direction to the respondent authorities by considering the petitioner's representation dated 15.05.2023.

4. The learned Government Pleader appearing for the respondents 1, 3 & 4 submitted that the respondent authorities would consider the representation of the petitioner and pass appropriate orders on merits, within a time frame to be stipulated by this Court.



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5. Considering the limited nature of the relief sought herein, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 15.05.2023, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, fifth respondent as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

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

(R.M.D., J.) (M.S.Q., J.)
01.09.2023

av

Internet : Yes / No

Index : Yes/No

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