



WEB COPY



W.P.No.33789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

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

**Writ Petition No.33789 of 2023
and
WMP.No.33637 of 2023**

K.R.Thirumalai

.. Petitioner

Versus

1. The District Collect,
Salem District,
Salem.
 2. The Tahsildar,
Mettur Taluk,
Mettur Dam - 1,
Salem District.
 3. The Assistant Director,
Town Panchayats,
Salem District, Salem.
 4. The Executive Officer,
Veerakkalpudur Town Panchayat,
Kunjandiyur, Mettur Dam - 4,
Salem District.
 5. M.Kumaresan
 6. Mani
- Respondents**

..

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 and 4 to remove the encroachments made by the respondents 5 and 6 in the Lane/ Pathway in S.No.227/21, situated at Veerakkalpudur Village, Mettur Taluk, Salem District based on the petitioner's representation dated 19.09.2023 and subsequent his



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reminder letter dated 21.09.2023.

For Petitioner : Mr.Jothimanian
For R1 to R4 : Mr.P.Muthukumar
Government Pleader

ORDER

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

This writ petition has been filed by the petitioner seeking a direction to the respondents 2 and 4 to remove the encroachments made by the respondents 5 and 6 in the Lane / Pathway in S.No.227/21, situated at Veerakkalpudur Village, Mettur Taluk, Salem District, by considering his representations dated 19.09.2023 and 21.09.2023.

2.According to the petitioner, he is the owner of the house/property in S.No.230/1 (Patta No.653) situated at Veerakkal Pudur Village, Mettur Taluk, Salem District. While so, the respondents 5 and 6 have illegally occupied the land in S.No.227/21, which passes adjacent to the petitioner's house classified as lane/pathway as per the revenue records, by putting up construction without any approval from the fourth respondent, thereby affecting access of the petitioner to his house. Therefore, the petitioner made a representation dated



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19.09.2023 to the respondents 1 to 3 for removal of encroachment/obstruction made in the Lane/ Pathway, pursuant to which the third respondent issued a memo on 25.09.2023 to the fourth respondent for removal of encroachment, but no steps have been taken, till now. The petitioner sent another representation dated 21.09.2023 to the respondents 1 to 4 for removal of encroachment made by the respondents 5 and 6, however, the same is kept pending without any consideration till date. Hence, this writ petition.

3.Today, when the matter was taken up, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondents 1 to 4 to dispose of the petitioner's representation dated 21.09.2023 within a time frame to be stipulated by this Court, for which, the learned Government Pleader appearing for the respondents 1 to 4 submitted that he has no serious objection for the same.

4.In view of the limited nature of the relief sought herein, without going into the merits of the case, the writ petition is disposed of, directing the respondents 1 to 4 to consider the petitioner's representation dated 21.09.2023, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner,



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respondents 5 & 6 as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment in the public property / water body, the same shall be removed, after following due process of law. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
30.11.2023

Index : Yes / No
Internet : Yes / No
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