



W.P(MD)No.1013 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM:

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

**W.P(MD)No.1013 of 2023
and
W.M.P(MD)No.959 of 2023**

Siraimettan

... Petitioner

VS.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Thirupuvanam,
Thirupuvanam Taluk,
Sivagangai District.
- 5.Karpagam
- 6.Mahalingam

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment such as pillar stone put up by the fifth and sixth respondents in Survey No.134/16, common pathway situated at Ladanendal Village, Thirupuvanam Taluk, Sivagangai District on the basis of the representation of the petitioner, dated 10.10.2022.

For Petitioner	: Mr.S.Muniyandi
For RR 1 to 3	: Mr.P.Thilak Kumar Government Pleader
For R – 4	: Mr.M.Sarangan Standing Counsel

ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment such as pillar stone put up by the fifth and sixth respondents in Survey No.134/16, common pathway situated at Ladanendal Village, Thirupuvanam Taluk, Sivagangai District on the basis of the representation of the petitioner, dated 10.10.2022.



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2. The grievance of the petitioner is that though he made a representation to the respondents as early as on 10.10.2022 seeking removal of the encroachment made by respondents 5 and 6 in the aforesaid survey number, till date the same has not been considered.

3. Today, when the matter was taken up for hearing, the learned standing counsel appearing for the fourth respondent submitted that the petitioner has not impleaded the President, Pappankulam, Thoothai, Thirupuvanam Taluk, Sivagangai District, who is the competent authority to consider his claim.

4. At this juncture, the learned counsel appearing for the petitioner seeks liberty to approach the the President, Pappankulam, Thoothai, Thirupuvanam Taluk, Sivagangai District, with a fresh representation enclosing all the details.

5. Considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Writ Petition is disposed of with a direction to the petitioner to submit a fresh representation setting out his grievance to the President, Pappankulam,



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Thoothai, Thirupuvanam Taluk, Sivagangai District, along with all the supporting documents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the President, Pappankulam, Thoothai, Thirupuvanam Taluk, Sivagangai District is directed to consider the same 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 concerned including the respondents 5 and 6, the authorities concerned are directed to take necessary action for removal of the same, 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 thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
19.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Thirupuvanam,
Thirupuvanam Taluk,
Sivagangai District.

Copy To:-

- 5.The President,
Pappankulam,
Thoothai,
Thirupuvanam Taluk,
Sivagangai District.



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

ps

ORDER MADE IN
W.P(MD)No.1013 of 2023

DATED : 19.01.2023