



**W.P.(MD) No.1047 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.1047 of 2023**

V.Balakrishnan

... Petitioner

**Vs.**

- 1.The District Collector,  
Virudhunagar District,  
Virudhunagar.
- 2.The Revenue Divisional Officer,  
O/o. The Revenue Divisional Officer,  
Near Court Building,  
Aruppukkottai,  
Virudhunagar District.
- 3.The Block Development Officer,  
O/o. The Block Development Officer,  
T.S.Ramalinga Nagar,  
Palayampatti, Aruppukkottai,  
Virudhunagar District.



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4.The Assistant Director,  
The Rural Development Agency,  
Collectorate Complex,  
Virudhunagar District,

5.The Panchayat President,  
Palayamkottai, Aruppukkottai,  
Virudhunagar District.

6.N.Krishnan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6<sup>th</sup> respondent on the Madurai to Thoothukudi Road, Palayampatti Panchayat, Aruppukkottai, Virudhunagar District comprising in Survey No. 132/1 by considering the petitioner's representation sent to the respondents 1 to 5 dated 14.12.2022.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.M.Sarangan,  
Addl. Govt. Pleader for R1, R2 & R4

Mr.P.T.Thiraviyam,  
Standing Counsel for R3 & R5



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**ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6<sup>th</sup> respondent on the Madurai to Thoothukudi Road, Palayampatti Panchayat, Aruppukkottai, Virudhunagar District comprising in Survey No. 132/1 by considering the petitioner's representation sent to the respondents 1 to 5 dated 14.12.2022.

2. Mr.M.Sarangan, learned Additional Government Pleader takes notice for respondents 1, 2 and 4. Mr.P.T.Thiraviyam, learned Standing Counsel takes notice for the respondents 3 and 5. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the 6<sup>th</sup> respondent is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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4. The learned counsel appearing for the petitioner submitted that the sixth respondent has made encroachment on the Madurai to Thoothukudi Road, Palayampatti Panchayat, Aruppukkottai, Virudhunagar District comprising in Survey No. 132/1. In this regard, though the petitioner made a representation on 14.12.2022, seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents. Hence, the petitioner has filed this Writ Petition.

5. The learned Standing Counsel appearing for the respondents 3 and 5 submitted that necessary action will be taken for removal of encroachment, within a time frame.

6. This Court, without expressing any opinion on the merits of the matter, directs the fifth respondent to consider the petitioner's representation dated 14.12.2022 and pass orders on its own merits and in accordance with law, after providing opportunities to all the parties concerned, including the sixth respondent, as expeditiously as possible, preferably, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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**WEB COPY** 7. With the above direction, this Writ Petition is disposed of. No costs.

**[D.K.K., J.]      [R.V., J.]**

**20.01.2023**

NCC : Yes / No

Index : Yes / No

vsm

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