



W.P.(MD) No.2961 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2961 of 2023

P.Siva Subramanian

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Srirangam, Trichy District.

3.The Tahsildar,
Marungapuri Taluk, Trichy District.

4.Chinnakalai

5.Andikannu

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6.Vellaiyammal

7.Pandi

8.Natarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to issue necessary direction to the 3rd respondent herein to remove the encroachment made by the respondents 4 to 8 in the Government land, used as common pathway bearing Survey No.148, situated at Akkiyampatti Village, Marungapuri Taluk, Trichy District, based on the petitioner's representation dated 23.02.2021.

For Petitioner : Mr.S.Sivakumar

For R1 to R3 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

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

This Writ Petition is filed for a direction to the respondents 1 and 2 to issue necessary direction to the 3rd respondent to remove the encroachment made by the respondents 4 to 8 in the Government land in Survey No.148, situated at Akkiyampatti Village, Marungapuri Taluk, Trichy District, which is used as common pathway, based on the petitioner's representation dated 23.02.2021.



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2.Mr..Thilak Kumar, learned Government Pleader takes notice on behalf of the respondents 1 to 3. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 4 to 8 is dispensed with.

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

4.Pointing out the aforesaid encroachment made by the respondents 4 to 8, the petitioner has made a representation dated 23.02.2021 to the official respondents. Since the same has not been considered till date, the petitioner has approached this Court with the aforesaid prayer.

5.The learned Government Pleader for the respondents 1 to 3, on instructions, submitted that the representation of the petitioner dated 23.02.2021 would be considered and appropriate orders would be passed on merits and in accordance with law.

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6.Considering the limited scope of the prayer sought for in the Writ Petition, without going into the merits of the case, we are inclined to direct the 2nd respondent to consider the representation of the petitioner dated 23.02.2021 and pass appropriate orders on its own merits and in accordance with law, after providing sufficient opportunity of hearing to all the parties concerned. Such an exercise shall be completed as early as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [L.V.G., J.]

14.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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