



W.P.(MD)No.3888 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3888 of 2023

Rajendran

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Dindigul.
- 2.The Thasildhar,
Vedasanthur, Dindigul District.
- 3.The Block Development Officer,
Block Development Office,
Vedasanthur, Dindigul District.
- 4.Andivel
- 5.Bakkiyaraj



6.Sundarambal

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... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 24.11.2022 and to dispose the same in accordance with law, within the stipulated time.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate for R1 & R2

ORDER

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

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 24.11.2022 and to dispose the same in accordance with law, within a stipulated time.

2. Heard Mr.M.Saravanan, learned counsel for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the



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respondents 1 and 2. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 3 to 6 is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal.

4. The learned counsel appearing for the petitioner submitted that the respondents 4 to 6 have encroached the public pathway and in this regard, though the petitioner made a representation on 24.11.2022 to the third respondent, seeking for removal of the said encroachment, till date, no steps have been taken by the third respondent for removal of the same. Hence, the petitioner has filed this Writ Petition.

5. The learned Government Advocate appearing for the respondents 1 and 2 submitted that S.No.1746/33 has been classified as public pathway and there is encroachment as alleged by the petitioner. He further submitted that the third respondent has issued eviction notice to the encroachers for removal of encroachment in the place in question and therefore, necessary action will be



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taken for removal of encroachment, after providing opportunity to all the parties concerned.

6. Considering the limited scope of the prayer, this Court, without going into the merits of the claim made by the petitioner, directs the third respondent to consider the petitioner's representation dated 24.11.2022 and pass orders in accordance with law. If there is any encroachment in the place in question, the third respondent is directed to remove the same, after providing sufficient opportunity to all the parties concerned and by following the due process of law, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

[D.K.K., J.] [L.V.G., J.]
27.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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