



W.P.No.10602 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

**THE HONONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONONOURABLE MR. JUSTICE P.DHANABAL**

**W.P.No.10602 of 2021
and
W.M.P.Nos.11214 and 11216 of 2021**

Madesh
S/o Ramu

...Petitioner

Vs.

- 1.The District Collector,
Salem District.
2. The Revenue Divisional Officer,
Kolathur, Salem District.
- 3.The Tahsildar,
Mettur Taluk, Salem District.
- 4.Venkatachalam
- 5.Govindammal
- 6.The Block Development Officer,
Kolathur, Mettur Taluk, Salem District.
(R6 suo motu impleaded vide order dated 28.04.2021
by NKKJ & TVTSJ)

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachments obstruction construction made by respondents 4 and 5 in S.F.No. 1360/ 7 Public pathway and restore the Public Pathway to its original position by considering petitioners representation dated 07.12.2020 and the proceedings of the 1st respondent dated O.Mu. 32798/ 2020/ K2 dated 02.01.2021.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.A.Selvendran,
Special Government Pleader
for R1 to R3 and R6
Mr.S.P.Yuvaraj for R4
No appearance for R5

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

The writ petition has been filed for issuance of Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachments / obstruction construction made by respondents 4 and 5 and restore the Public Pathway to its original position by considering petitioner's representation dated 07.12.2020 and the proceedings of the 1st respondent dated 02.01.2021.

2. The case of the petitioner is that the respondents 4 and 5 have encroached the public pathway and put up construction. Immediately, the



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petitioner had sent a representation dated 07.12.2020 to the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in the common pathway and restore the same in its original position. Subsequently, the 1st respondent vide his proceedings dated 02.01.2021 had directed the respondents 2 and 3 to take necessary action on the representation of the petitioner. Since no action was taken, the present writ petition has been filed seeking a direction to dispose of the said representation dated 07.12.2020.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the 1st to 3rd and 6th respondents, the learned counsel appearing for the 4th respondent and perused the materials available on record.

4. Considering the limited prayer sought for in this Writ Petition, we are not expressing any view on the rival contentions of the parties. The representations made by the petitioner are still pending with the 2nd and 3rd respondent and no order has been passed on the same till date. Therefore, without expressing any view on the merits of the claim made



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by the respective parties, this Writ Petition is disposed of, only by directing the 2nd and 3rd respondents to pass orders on the petitioner's representation dated 07.12.2020 on merits and in accordance with law, by taking note of the proceedings of the 1st respondent dated 02.01.2021, within a period of twelve weeks from the date of receipt of a copy of this order. The 2nd and 3rd respondents shall also give an opportunity of personal hearing to the petitioner, 4th and 5th respondents as well as the rival claimants, if any, before passing the order. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
vsi

(J.N.B,J.) (P.D.B., J.)
30.04.2024

To

- 1.The District Collector,
Salem District.
2. The Revenue Divisional Officer,
Kolathur, Salem District.
- 3.The Tahsildar,
Mettur Taluk, Salem District.

J. NISHA BANU, J.
and
P.DHANABAL,J.



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