



W.P.No.13101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

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V.Dharmaraj

.. Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Attur, Salem District.

3.The Tahsildar,
Thalaivasal Taluk, Salem District.

4.The Assistant Director of Village Panchayat,
Salem District, Salem-636 001.

5. The Block Development Officer,
Commissioner, Thalaivasal Panchayat Union,
Salem District.

..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 to remove the encroachments in the common car track passing through from S.No.167 /4 to 143 /3, which is access to the land comprising in Survey Nos.167 /7c, 167/6, 167/5, 167 /5 A, 143 /4A, 143 / 4B, 143 /7, 168 /7, 168 /1, 168 /12, 166 /7, 166 /6, 166 /2, 143 /8 situated at Unathur Village and Post, Thalaivasal Taluk, Salem District based on the petitioner's representation dated 29/12/2023.

For Petitioner : Ms.S.Vinodha

For R1 to R3 : Mr.A.Selvendran, Spl. G.P.

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA,J.]

By consent of learned counsel for the petitioner as well as the learned Special Government Pleader for respondents 1 to 3, the writ petition is taken up for final disposal at the admission stage itself.

2. Writ Petition is filed for a direction to the respondents to remove the encroachments in the common car track passing through from S.No.167



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/4 to 143 /3, which is access to the land comprising in Survey Nos.167 /7c, 167/6, 167/5, 167 /5 A, 143 /4A, 143 / 4B, 143 /7, 168 /7, 168 /1, 168 /12, 166 /7, 166 /6, 166 /2, 143 /8 situated at Unathur Village and Post, Thalaivasal Taluk, Salem District, based on the petitioner's representation dated 29.12.2023.

3. According to the petitioner, he is using the car track nearly 43 years. When he bought the land, the original breadth of the car track was 16 feet. Due to the encroachment of the car track by some of the neighbours, the width of the car track was reduced and the petitioner could not use the same for transportation of his agricultural products. Therefore, the petitioner has made a representation dated 29.12.2023 to the respondents claiming the relief as prayed in this writ petition, but, the same is yet to be disposed of by the respondents. Hence, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for respondents 1 to 3 submitted that the respondents be directed to consider the petitioner's representation and pass orders in accordance with law.



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5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 29.12.2023 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

(A.D.J.C.,J.) (R.K.M.,J.)
08.05.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No

kj/mmi



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To

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and
R.KALAIMATHI,J.

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