



*WP.No.11989/2024*

WEB COPY

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

WP.No.11989/2024

Veeramuthu

...

Petitioner

Versus

- 1.The District Collector,  
O/o.The District Collector  
Salem District, Salem.
- 2.The Revenue Divisional Officer  
O/o. Revenue Divisional Officer  
Attur, Salem District.
- 3.The Tahsildar  
O/o.The Tahsildar  
Thalaivasal Post and Taluk  
Salem District.
- 4.The Village Administrative Officer  
O/o.The Village Administrative Officer  
Periyeri Village and Post



**WP.No.11989/2024**

Thalaivasal Taluk,  
Salem District.

5.Mr.Mayilvaganam  
6.Dhanapal  
7.Paramasivam

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by respondents 5 to 7 on the common pathway for use by general public in S.NO.661/13 which is situated at 2<sup>nd</sup> Ward, Veeraganur Post, Thalaivasal Taluk, Salem District based on the representation of the petitioner dated 22.03.2024.

For Petitioner : Mr.M.Senthilkumar  
For Respondents : Mr.A.Selvendiran  
Special Government Pleader

### ORDER

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

(1)Mr.A.Selvendiran, learned Special Government Pleader accepts notice on behalf of respondents 1 to 4.

(2)The present writ petition is filed by the petitioner for issuance of a writ of mandamus to direct the official respondents to consider the representation



**WP.No.11989/2024**

WEB COPY

dated 22.03.2024 made by him to remove the encroachment made by respondents 5 to 7 herein in the common pathway which is meant for public use.

(3)The case of the petitioner is that respondents 5 to 7 herein are said to have encroached a common pathway in S.No.661/13 which has been classified as "Alley" in the revenue records. Though the suit filed by the petitioner against the respondents 5 to 7 in OS.No.285/2013 was decreed exparte, the private respondents neither challenged the said judgment and decree nor removed the encroachment. The petitioner thereafter, submitted a representation on 22.03.2024 to the official respondents. Since no response was forthcoming on the side of the respondents 1 to 4, the petitioner is constrained to file the present writ petition.

(4)Since the writ petition is disposed of at the admission stage, notice to respondents 5 to 7 is dispensed with.

(5)This Court, without expressing any opinion on the merits of the representation submitted by the petitioner or on the averments made by the petitioner in the affidavit filed in support of the writ petition, directs



**WP.No.11989/2024**

WEB COPY

respondents 1 to 4 to consider and dispose of the petitioner's representation dated 22.03.2024 on merits and in accordance with law, after affording an opportunity of personal hearing to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to respondents 5 to 7.

(6)The writ petition stands **disposed of with the above direction.** No costs.

[ADJCJ] [RKM J]  
08.05.2024

AP  
Internet : Yes



**WP.No.11989/2024**

WEB COPY

To

- 1.The District Collector,  
O/o.The District Collector  
Salem District, Salem.
- 2.The Revenue Divisional Officer  
O/o. Revenue Divisional Officer  
Attur, Salem District.
- 3.The Tahsildar  
O/o.The Tahsildar  
Thalaivasal Post and Taluk  
Salem District.
- 4.The Village Administrative Officer  
O/o.The Village Administrative Officer  
Periyeri Village and Post  
Thalaivasal Taluk,  
Salem District.



WEB COPY



*WP.No.11989/2024*

A.D.JAGADISH CHANDIRA, J.,  
AND  
R.KALAIMATHI, J.,  
AP

WP.No.11989/2024

08.05.2024