



WP No.22652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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S.Kavitha

... Petitioner

versus

- 1.The District Collector,
Erode District,
Erode.
- 2.The District Revenue Officer,
Erode District
Erode.
- 3.The Revenue Divisional Officer,
Erode District,
Erode.
- 4.The Thasildar,
Perundurai Taluk,
Erode District.



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5.The Revenue Thasildhar,
Perundurai Taluk,
Erode District.

6.The Block Development Officer,
Perundurai Taluk,
Erode District.

7.The President,
Sirukalanji Village Panchayat
Perundurai Taluk,
Erode District.

8.Krishnasamy ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing respondents 1 to 6 to remove the encroachment made in the "common pathway" in Natham Survey No.474/6 in Sirangampalayam, Sirukkalanchi Village, Erode District -638751 and to bring the pathway to its original form by considering petitioner's representation dated 03.10.2023.

For the Petitioner

:Mr.M.Guruprasad

For the Respondents

:Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 5



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ORDER

(Made by the Hon'ble Acting Chief Justice)

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed for a direction to the respondents 1 to 6 to remove the encroachment made in the "common pathway" in Natham Survey No.474/6 in Sirangampalayam, Sirukkalanchi Village, Erode District -638751 by the eighth respondent herein and to bring the pathway to its original form by considering petitioner's representation dated 03.10.2023.

3. Learned counsel for the petitioner submits that the eight respondent has encroached the common pathway in the property in question. Hence, the petitioner has made a representation dated 03.10.2023 to the authority concerned for removal of the said encroachment in the aforesaid property in question. So far, no action has been taken by the authority concerned. Hence, the petitioner has filed the present writ petition.

4. Learned State Government Pleader, on instructions, would submit



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that necessary action will be taken by the authority concerned for removal of the encroachment in the aforesaid property in question, to be directed by this Court.

5. Considering the limited scope of the prayer as sought for by the writ petitioner, we are not expressing any opinion on the merits of the case. Therefore, we direct the respondents 1 to 6, to consider the representation dated 03.10.2023 submitted by the petitioner, for removal of encroachment in the aforesaid property in question, after providing opportunity to the parties concerned and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition stands disposed of with the above directions.

There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
09.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

4/6



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THE HON'BLE ACTING CHIEF JUSTICE
and



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P.B. BALAJI, J.

(mrn)

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