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W.P. No.31167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.31167 of 2024

Kalaivani

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Omalur, Salem District.

3.Susila

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd Respondent to consider the representation of the petitioner dated 31.07.2024 in accordance with law by removing the obstruction in public pathway in Survey No.48/5 A1 B for the benefit of 12,000 peoples Kamalapuram Village, Omalur Taluk, Salem District to secure ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Selvendran
Special Government Pleader (for R1&R2)



W.P. No.31167 of 2024

ORDER

The petitioner herein seeks a direction to the 2nd Respondent to consider the representation of the petitioner dated 31.07.2024 and remove the obstructions in the public pathway in Survey No.48/5 A1B in Kamalapuram Village, Omalur Taluk, Salem District.

2. It is the case of the petitioner that the subject property has been used as a pathway by the petitioner and other residents of the Kamalapuram Village, Omalur Taluk. It is further claimed by the petitioner that the 3rd Respondent herein encroached portion of the public pathway and causing obstruction. Therefore, the petitioner submitted a representation on 31.07.2024 before the 2nd Respondent seeking necessary action for removal of encroachment to facilitate the petitioner and others to use the same as pathway. The said representation has not been considered so far by the 2nd Respondent. Aggrieved by the same, the petitioner has come before this Court.

3. Mr.A.Selvendran, learned Special Government Pleader who takes notice for the Respondents 1 and 2 would submit that the petitioner has not produced acknowledgment card for having submitted the representation to the Respondents 1 and 2. He further submits that if the petitioner submits a fresh representation, the same would be considered in accordance with law, within the time stipulated



W.P. No.31167 of 2024

by this Court.

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4. In view of the same, without going into the merits of the case, the petitioner is directed to submit a fresh representation before the 2nd Respondent within a period of 2 weeks from the date of receipt of a copy of this order. The 2nd Respondent is directed to consider the representation and pass final orders on its own merits within a period of 8 weeks from the date of receipt of representation after issuing notice to the 3rd Respondent.

5. Accordingly, the writ petition is disposed of. No costs.

25.10.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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W.P. No.31167 of 2024

S. SOUNTHAR, J.

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To:

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Omalur, Salem District.

W.P. No.31167 of 2024

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