



W.P.(MD) No.548 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.548 of 2024

E.Syed Masthan

... Petitioner

-Vs-

1.The District Collector,
O/o. District Collectorate,
Theni District.

2.The Tahsildar,
Taluka Office,
Periyakulam Tauk,
Theni District.

3.The Block Development Officer,
Office of the Block Development Office,
Periyakulam Taluk,
Theni District.

4.The President,
Office of the President,
Bomminayakanpatti,
Periyakulam Taluk,
Theni District.

5.S.Nathan
6.P.Selvaraj

... Respondents



W.P.(MD) No.548 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos. 1 to 4 to take necessary steps to remove the encroachment made by the 5th and 6th respondent in the public pathway in S.No.2375/5 of Kaliyamman Kovil Main Street, Bomminayakanpatti, Periyakulam taluk, Theni in view of the proceeding of the 2nd respondent in O.Mu.No.36/2018/Aa-1 dated 08.03.2018 and by considering the petitioner representation dated 18.12.2017 and 02.04.2018 within the period as stipulated by this Court.

For Petitioner	: Mr.S.Atham Ali
For R1 & R2	: Mr.S.P.Maharajan Special Government Pleader
For R3 & R4	: Mr.T.Amjadkhan Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed seeking issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to take necessary steps to remove the encroachment made by the 5th and 6th respondents in the public pathway in S.No. 2375/5 at Kaliyamman Kovil Main Street, Bomminayakanpatti, Periyakulam taluk, Theni by considering the petitioner representations dated 18.12.2017 and 02.04.2018 within the period as stipulated by this Court.



W.P.(MD) No.548 of 2024

2.Mr.S.P.Maharajan, learned Special Government Pleader accepts notice for the first and second respondents and Mr.T.Amjadkhan, learned Government Advocate accepts notice for the third and fourth respondents. Considering the nature of order proposed to be passed, notice to the fifth and sixth respondents is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.Pointing out the encroachment made by the fifth and sixth respondents in the public pathway in question, the petitioner made representations to the official respondents on 18.12.2017 and 02.04.2018. Since the same have not been considered till date, the petitioner has approached this Court with the aforesaid prayer.

5.The learned Special Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the representations of the petitioner dated 18.12.2017 and 02.04.2018 would be considered and necessary action would be taken on merits and as per the provisions contemplated under the relevant Rules.



W.P.(MD) No.548 of 2024

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6. In view of the above, without going into the merits of the case, we direct the second respondent to consider the representations of the petitioner dated 18.12.2017 and 02.04.2018 and pass appropriate orders on its own merits and in accordance with law and in light of the communication sent by the third respondent, after providing sufficient opportunity of hearing to all the parties concerned, including the fourth and fifth respondents. Such an exercise shall be completed as early as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
10.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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