



W.P(MD)No.1767 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.1767 of 2020

K.Suganya

... Petitioner

vs.

1. The District Collector,
Thanjavur District.

2. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3. The Tahsildar,
Papanasam Taluk,
Thanjavur District.

4. The Executive Officer,
Selection Grade Town Panchayat,
Papanasam, Thanjavur District.

5. V.R.Selvam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment and unauthorised construction put up by the



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fifth respondent in the public pathway in Survey No.29 / 4H, Arayapuram Village, Papanasam Taluk, Thanjavur District, within a time limit that may be stipulated by this Court.

For Petitioner : Mr.J.Barathan
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader
For R5 : Mr.R.Varatharajan

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the respondents 1 to 4 to remove the encroachment and unauthorised construction put up by the fifth respondent in the public pathway in Survey No.29 / 4H, Arayapuram Village, Papanasam Taluk, Thanjavur District within a time limit that may be stipulated by this Court.

2. The learned counsel for the petitioner would submit that alleging that the 5th respondent has encroached upon the public pathway in the abovesaid survey number, the petitioner made a complaint to the respondents 1 to 4 and pursuant thereto, the 3rd respondent / Tahsildar, Zonal Deputy Tahsildar and the Village



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Administrative Officer though conducted inspection and found that the subject property is encroached upon by the 5th respondent, till date, the encroachment is not removed. Hence, this writ petition.

3. Heard both sides.

4. Since there is a considerable lapse of time after the earlier representation was made, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondent to consider the same, on its own merits.



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5. With the above direction, the Writ Petition stands disposed

of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
11.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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and
A.D.MARIA CLETE, J.

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