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W.P.(MD) No.13484 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.13484 of 2016

and

W.M.P.(MD) No.10073 of 2016

V.Vadamalayan

... Petitioner

-vs-

1.The District Collector
Theni District

2.The Tahsildar
Theni Taluk
Theni District

3.The Executive Officer
Palanichettipatti Selection Grade
Town Panchayat
Palanichettipatti, Theni

4.The Chairman
Palanichettipatti Selection Grade
Town Panchayat
Palanichettipatti, Theni

5.R.Natarajan

6.Manoharan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 herein to remove the encroachment made by the respondents 5 and 6 on Kamarajar Street, Palanichettipatti Selection Grade Town Panchayat, Theni District, restore and maintain the public road free from any further encroachment as per the petitioner's collective representation dated 07.04.2016, within a reasonable time.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 & R2
Mr.T.S.Mohammed Mohideen for R3
No appearance for R4
Mr.K.Gokul for R5 & R6

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 and 6, in Kamarajar Street, Palanichettipatti Selection Grade Town Panchayat, Theni District, and to restore and maintain the public road free from any further encroachment as



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per the petitioner's representation dated 07.04.2016, within a time stipulated by this Court.

2. Learned Government Advocate appearing for the respondents 1 & 2, on instructions, submits that there is no encroachment and common pathway over the subject land as alleged by the petitioner and to that effect, he has also produced a copy of the communication, dated 23.01.2024, received from the third respondent.

3. Recording the above submission of the learned Government Advocate, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

23.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Theni District.
- 2.The Tahsildar,
Theni Taluk,
Theni District.



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and
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