



W.P(MD)No.20351 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

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

W.P(MD)No.20351 of 2017

K.Thiruganam,
S/o.Karuppaiah Pillai,
Joint Secretary,
S.M.V.Nagar Residents Welfare Association,
Plot Nos.35, 36, Sri Mappillai Vinayagar Nagar,
Achampathu,
Madurai – 625 019.

... Petitioner

vs.

- 1.The District Collector,
Madurai District.
- 2.The Tahsildar,
Madurai North Taluk.
- 3.The Special Officer,
Yerkudi Achampathu Panchayat,
Madurai District.
- 4.The Superintendent of Police,
Madurai District.
- 5.O.M.S.C.Raja Sankaralingam



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6.Life Time Trustee/Administrator,
Lala Sri Renga Samuthiram Charitable Trust,
No.2, Yannaikal Street,
Madurai – 01.

7.S.V.K.Selvaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to consider and dispose of the representation of the petitioner dated 08.08.2017 for illegal alienation of sixth respondent Trust properties for encroaching the Panchayat road violating the approved lay out plan of the seventh respondent and consequently direct the respondents 1 to 4 to restore the public panchayat road for utility of the residents of the petitioner's Association free from traffic congestion and theft.

For Petitioner	: Mr.V.Jankiramulu
For Respondent Nos.1 to 4	: Mr.T.Amjadkhan Government Advocate
For Respondent Nos.5 & 7	: No appearance
For Respondent No.6	: Mr.S.Malaikani



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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 consider and dispose of the representation of the petitioner dated 08.08.2017 for illegal alienation of sixth respondent Trust properties in encroaching the Panchayat road by violating the approved lay out plan of the seventh respondent and consequently direct the respondents 1 to 4 to restore the public Panchayat road for utility of the residents of the petitioner's Association free from traffic congestion and theft.

2. Seeking to restore the public road laid by the third respondent in SMV Nagar, the petitioner-Association made a representation dated 08.08.2017 to the respondents 1 to 3. Till date, no action has been taken. Hence, this writ petition.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner reported 'no instructions'.



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4.Learned Government Advocate appearing for the respondents 1 to 4 would submit that the second respondent will consider and dispose of the petitioner's representation dated 08.08.2017 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame.

5.Considering the facts and circumstances of the case, without expressing any opinion on the claim made by the petitioner, the second respondent is directed to consider the representation of the petitioner dated 08.08.2017 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken by the authority concerned to the petitioner.



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6.With the above direction, the Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
29.01.2024

NCC : Yes / No
Index : Yes / No
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To

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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