



WP(MD). No.29986 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.29986 of 2024 and

A.Chinnadurai

... Petitioner

Vs

**1. The District Collector / Monitoring Committee,
Tenkasi District.**

**2. The Revenue Divisional Officer,
Sankarankovil, Tenkasi District..**

**3. The Block Development Officer,
Village Panchayath,
Vasudevanallur, Tenkasi District..**

**4. The Revenue Tahsildar,
Sivagiri Taluk, Tenkasi District..**

**5. The Panchayat President,
Nelkattumseval Panchayat,
Vasudevanallur Union,
Thenkasi District..**

6. Alaguduraichi.

7. Muthupandiyan

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8. Vellaidurai

9. Ishwarya

10. Alaguduraichi

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment situated in Sarkar Poramboke Natham Survey No. 613/11 (Pathway), 613/13 (Street) and 683/13 (Street) of Kelapudur, Nelkattumseval Revenue Village, Sivagiri Taluk, Tenkasi District in the light of the proceedings passed by the respondent No. 3 Na.Ka.en. BDOVSR / 538/2022/ B3, dated 22.02.2023 in accordance with law.

For Petitioner : M/s.M.P.Roniga

For Respondents : Mr.P.Thilak Kumar for R1 to R4
Government Pleader

ORDER

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

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse order is going to be passed against the respondents 6 to 10, notice to the respondents 6 to 10 is dispensed with.

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3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 5 to remove the encroachment situated in Sarkar Poramboke Natham Survey No. 613/11 (Pathway), 613/13 (Street) and 683/13 (Street) of Kelapudur, Nelkattumseval Revenue Village, Sivagiri Taluk, Tenkasi District in the light of the proceedings passed by the respondent No.3 Na.Ka.en. BDOVSR / 538/2022/ B3, dated 22.02.2023 in accordance with law

4. In order to remove the encroachment alleged to have been made in the aforesaid survey number by the private respondents, the petitioner has given a representation to the official respondents on 06.07.2022. Pursuant to the same, the third respondent has issued the proceedings dated 22.02.2023. Since no further action is taken so far, the petitioner is before this Court with this petition.

5. Since there is a considerable lapse of time after the earlier representation was made and the proceedings issued by the third respondent, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as



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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.

6. With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

[M.S.R.,J]

[A.D.M.C.,J]

12.12.2024

NCC : Yes/No

Index : Yes/No

RR



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
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Date : 12/12/2024