



W.P.(MD)No.3068 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.3068 of 2025

P.Kalithasan

...Petitioner

-Vs-

1.The District Collector/Monitoring committee,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Melur Taluk, Madurai District.

3.The Tahsildar,
Melur Taluk,
Madurai District.

4.V.Sakthivel
5.V.Soundharajan

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachment in the Cart Track made by the respondents 4 and 5 in Survey No.109/1 in Keelaiyur Village, Melur Taluk, Madurai District within the time stipulated by this Court.



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W.P.(MD)No.3068 of 2025

For Petitioner : Mr.M.Mahaboob Fazil
M/s.Roy and Roy Associates
For R1 to R3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

J. NISHA BANU,J.
and
S.SRIMATHY.

Heard Mr.M.Mahaboob Fazil, learned counsel appearing for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader for respondents 1 to 3. Considering the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 and 5 is dispensed with.

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

3.The contention of the petitioner is that in the land in Survey No.109/1 at Keelaiyur Village, Melur Taluk, Madurai District, there is a cart track. For the long time, the farmers and the residents of the Keelaiyur Vilalgars are using the said cart track. While that being so, the private respondents herein have



W.P.(MD)No.3068 of 2025

encroached the said cart track and started to construct a building there. In the earlier round of litigation seeking removal of encroachment, this Court directed the official respondents to inspect the property and remove the encroachment, if any within a period of twelve weeks from the date of receipt of a copy of that order. However, no action has been taken by the concerned authority. Hence, the petitioner sent a representation dated 22.01.2025 seeking to remove the encroachment in the subject property. Till today, the same is also kept pending without any progress.

4.The learned counsel for the petitioner would submit that though the petitioner has sought for a larger relief in this writ petition, he would be satisfied if a direction is issued to the third respondent to consider and dispose of the representation of the petitioner dated 22.01.2025, in accordance with law, within a time frame.

5.Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is **disposed of** with a direction to the third respondent to consider the representation of the petitioner dated 22.01.2025 after



W.P.(MD)No.3068 of 2025

giving sufficient opportunity of hearing to all the parties concerned and pass appropriate orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
17.02.2025

Index : Yes/No
Internet : Yes/No
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To

- 1.The District Collector/Monitoring committee,
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W.P.(MD)No.3068 of 2025

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