



WP(MD). No.2678 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03/04/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.2678 of 2022

A.Jawahar

... Petitioner

v.

1. The District Collector,
Collectorate Building
Thoothukudi
Thoothukudi District

2.The Tahsildar
Kovilpatti
Thoothukudi District

3.The Block Development Officer
Kuruvikulam Block
Tenkasi District

4.The Panchayat Secretary
Pillayarnatham
Kovilpatti Taluk
Thoothukudi District

5.Perumalsamy

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 3 to remove the encroachment made in the public pathway in the land bearing S.F.No.556/22, 556/24 situated at Pillayarnatham Village, Kovilpatti Taluk, Thoothukudi District by the 5th respondent, based on the petitioner's representation dated 25.01.2022 made to the respondent No.1 to 3.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.P.Thilak Kumar for R1 to R3
Government Pleader

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The writ petition has been filed directing the respondents No.1 to 3 to remove the encroachment made in the public pathway in the land bearing S.F.No.556/22, 556/24 situated at Pillayarnatham Village, Kovilpatti Taluk, Thoothukudi District by the 5th respondent, based on the petitioner's representation dated 25.01.2022 made to the respondent Nos.1 to 3.

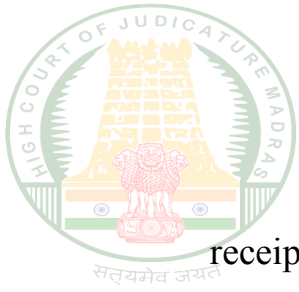


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2. It is the case of the petitioner that the encroachment has been made in the aforesaid survey number, which is a public pathway. It is his grievance that the 5th respondent has encroached upon the pathway by putting up a cage for poultry and a wall has also been constructed therein, thereby restraining the public from using the said common pathway. Therefore, in order to remove the same, the petitioner has sent a representation to the respondents on 25.01.2022. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

3. We have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 3.

4. Considering the facts and circumstances of the case and without going into the merits of the matter, the 2nd respondent is directed to consider the representation of the petitioner dated 25.01.2022, by giving due opportunity to the petitioner as well as the private respondent and other interested persons, if any, and pass suitable orders, on merits and in accordance with law, within a period of twelve weeks from the date of



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receipt of a copy of this order.

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5. With the above direction, the writ petition is disposed of. No costs.

[J.N.B.,J]

[S.S.Y.,J]

03.04.2025

NCC : Yes/No

Index : Yes/No

RR

To

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Thoothukudi District

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J.NISHA BANU, J
AND
S.SRIMATHY, J.

RR

ORDER
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