



**W.P(MD)No.12761 of 2025**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.04.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU  
and  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.12761 of 2025**

Saran Krishnan

... Petitioner

VS.

1.The Commissioner,  
Koodalur Municipality,  
Theni District.

2.The Tahsildar,  
Uthamapalayam Taluk,  
Theni District.

3.Veerupapu

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to give assistants to the first respondent for enabling him to remove the encroachment made by the third respondent in cart track situated in Survey No. 2223 situated at Melacudalore Village, Uthamapalayam Taluk, Theni District as per the communication of the first respondent in Na.Ka.No.32/2024/F1 dated 02.04.2025 within the stipulated time fixed by this Court.



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For Petitioner : Mr.R.Suriya Narayanan

For RR 1 & 2 : Mr.P.Thilak Kumar  
Government Pleader

**ORDER**

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

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself. Considering the limited relief sought for by the petitioner, notice to the third respondent is dispensed with.

2.The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to provide assistance to the first respondent for enabling him to remove the encroachment made by the third respondent on the cart track situated in Survey No. 2223 in Melacudalore Village, Uthamapalayam Taluk, Theni District, as per the communication of the first respondent in Na.Ka.No.32/2024/F1 dated 02.04.2025.

3.According to the petitioner, he is the owner of lands in Survey Nos. 2203/3C and 2203/34 in Melacudalore Village, Uthamapalayam Taluk, Theni District. The only access to reach his property is through the cart track in Survey



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4.The petitioner had earlier filed a writ petition in W.P.(MD)No. 21/2024 before this Court, which was dismissed by order dated 03.01.2024, granting liberty to the petitioner to approach the first respondent with a fresh representation. Subsequently, the petitioner received communications dated 02.02.2024 and 12.11.2024 from the first respondent, wherein it was stated that assistance had been sought from the second respondent for surveying the land and measuring the pathway.

5.However, even after the lapse of one year, no further action was taken. Finally, the petitioner submitted a fresh representation dated 21.01.2025 to the first respondent, seeking immediate steps to remove the encroachment. In response, the first respondent issued a communication dated 02.04.2025 stating that assistance had been requested from the second respondent to remove the



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6.The petitioner alleges that due to the third respondent's political background, the officials were unable to act, and he has been subjected to inaction by the authorities for several years. The petitioner and other farmers have only this cart track as access to their agricultural fields, which is protected under the Revenue Standing Orders. The official respondents have acknowledged the existence of the cart track but have failed to take any action. Therefore, the petitioner has filed this Public Interest Litigation before this Court.

7.The learned Government Pleader appearing for respondents 1 and 2 submits that the representation of the petitioner will be considered and appropriate orders will be passed on its own merits within the time frame stipulated by this Court.

8.Considering the limited scope of the relief sought by the petitioner, and without expressing any opinion on the merits of the petitioner's claim either in the representation or in the affidavit filed in support of this Writ Petition, we direct the first respondent to consider the representation of the petitioner dated



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21.01.2025, after affording sufficient opportunity of personal hearing to both the petitioner and the third respondent, and to 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.

9. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

**[J.N.B.,J.] & [S.S.Y.,J.]**  
**29.04.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
ps

**Note: Registry is directed to mark a copy of this order  
to the private respondent.**

To

1. The Commissioner,  
Koodalur Municipality,  
Theni District.
2. The Tahsildar,  
Uthamapalayam Taluk,  
Theni District.



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

ps

**ORDER MADE IN**  
**W.P(MD)No.12761 of 2025**

**DATED : 29.04.2025**