



*W.P(MD)No.14326 of 2024*

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

WEB COPY

**DATED : 28.02.2025**

**CORAM :**

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

**W.P(MD)No.14326 of 2024**

Rajesh

... Petitioner

VS.

1. The District Collector / Chairperson,  
District Monitoring Committee,  
Tirunelveli District, Tirunelveli.

2. The Tahsildar  
Radhapuram Taluk,  
Tirunelveli District.

3. The Block Development Officer,  
Radhapuram, Tirunelveli District.

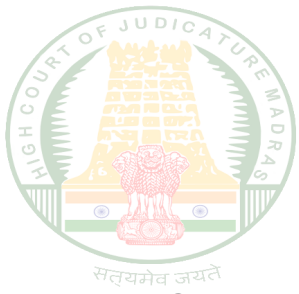
4. The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.

5. The President,  
Chettikulam Village Panchayat,  
Radhapuram Taluk, Tirunelveli District.

6. Chandran

7. Lakshmi

... Respondents



*W.P(MD)No.14326 of 2024*

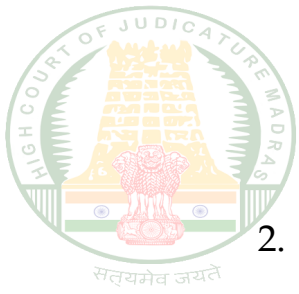
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6<sup>th</sup> and 7<sup>th</sup> respondents in the public pathway comprised in S.No.676/7, Chettikulam Village, Radhapuram Taluk, Tirunelveli District, in the light of the Communication of 2<sup>nd</sup> respondent dated 08.08.2023 and consequential notice issued by the 5<sup>th</sup> respondent dated 23.04.2024 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.V.Lakshmana Raja  
For R1 to R3 & R5 : Mr.M.Sarangan  
Additional Government Pleader  
For R4 : Mr.A.Albert James  
Government Advocate (Crl.Side)  
For R6 & R7 : No appearance

### **ORDER**

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

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6<sup>th</sup> and 7<sup>th</sup> respondents in the public pathway comprised in S.No.676/7, Chettikulam Village, Radhapuram Taluk, Tirunelveli District, in the light of the Communication of 2<sup>nd</sup> respondent dated 08.08.2023 and consequential notice issued by the 5<sup>th</sup> respondent dated 23.04.2024 within the time frame fixed by this Court.

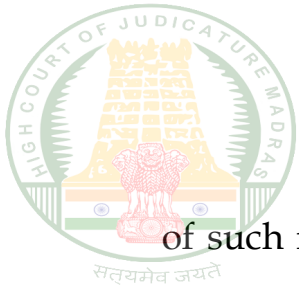


*W.P(MD)No.14326 of 2024*

2. It is the grievance of the petitioner that though there was exchange of correspondence between the officials on his representation dated 28.07.2023, seeking removal of the encroachment made by the private respondents on the abovesaid public pathway and the same was culminated in issuing show cause notice to the encroachers, subsequently it was not acted upon. Therefore, he has filed this Writ Petition for the abovesaid prayer.

3. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate (Crl.Side) appearing for the 4<sup>th</sup> respondent. Despite service of notice, there is no appearance on behalf of the respondents 6 and 7 either by themselves or through counsel. Since no adverse order is going to be passed against the private respondents, this Court is inclined to dispose of the writ petition.

4. In the light of the above observations, there shall be a direction to the petitioner to make a fresh representation forthwith to the official respondents to remove the abovesaid encroachment. On receipt



*W.P(MD)No.14326 of 2024*

of such representation, the official respondents shall consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondents, as well as all other persons, who may be interested in the subject property, within a period of three 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

[J.N.B, J.] [S.S.Y, J.]  
28.02.2025

Index : Yes / No  
Neutral Citation : Yes / No  
bala  
To

1. The District Collector / Chairperson,  
District Monitoring Committee,  
Tirunelveli District,  
Tirunelveli.



*W.P(MD)No.14326 of 2024*

2. The Tahsildar  
Radhapuram Taluk,  
Tirunelveli District.

3. The Block Development Officer,  
Radhapuram,  
Tirunelveli District.

4. The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.

5. The President,  
Chettikulam Village Panchayat,  
Radhapuram Taluk, Tirunelveli District.



WEB COPY



*W.P(MD)No.14326 of 2024*

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

bala

**ORDER MADE IN**  
**W.P(MD)No.14326 of 2024**  
**DATED : 28.02.2025**