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W.P.(MD)NO.24343 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.24343 of 2019

J.Chellam

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai – 625 020.

2. The Tahsildar,
Madurai East Taluk,
Madurai District.

3. Puthisigamani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to remove the encroachment made by the 3rd respondent in the water canal and road poramboke in Survey No.71 situated in between the petitioner's landed property in Survey No.60/1B and Kalikappan Main Road, Kalikappan Village, Madurai East Taluk, Madurai District by considering her representation dated 28/09/2019.



For Petitioner : Mr.J.Lawrance
For R-1 & R-2 : Mr.V.Nirmal Kumar,
Government Advocate.
For R-3 : Mr.S.C.Herold Singh

* * *

ORDER

Heard both sides.

2. The petitioner alleged that encroachment had been committed in survey Nos.61 and 71. Survey No.61 is a water-body whereas survey No.71 is a road.

3. On the last occasion, we directed the authorities to conduct survey in the presence of the writ petitioner and the private respondents. On 02.11.2023 at 10.00 am. survey was conducted.

4. Today we asked for the survey results. It is clarified that there is no encroachment as regards the water-body. The petitioner's counsel also does not dispute the same. As regards



the road in survey No.71, there are encroachments. It is the duty of the second respondent to take cognizance of the same and take appropriate action. This writ petition stands disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

7th November 2023

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

PMU

To:

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Madurai District,
Madurai – 625 020.
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