



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.9136 of 2014

and

M.P. (MD) No.1 of 2014

N.Sakthivel

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Special Deputy Tahsildar,
Sathamangalam,
Madurai North Taluk,
Madurai.

3.The Commissioner,
Madurai Corporation,
Madurai.

4.T.Marimuthu

5.V.Rajeswari

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments of the respondents 4 & 5 made in public pathway locating in the survey No.2721, Harijana Colony, Pudhur Vandi Pathai, Jawaharpuram, Madurai-7 by considering the petitioner's representation dated 13.01.2014 within the time limit that may be stipulated by this Court.

For Petitioner	: No Appearance
For R1 & R2	: Mr.M.Govindan Special Government Pleader
For R3	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R4& R5	: Mr.K.C.Ramalingam

**ORDER**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this writ petition to direct the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 in respect of the public pathway situated at Survey No.2721, Harijana Colony, Pudhur Vandī Pathai, Jawaharpuram, Madurai-7.

2.None appears on behalf of the petitioner.

3.The learned counsel for the respondents 4 and 5 on instruction submitted that the respondents 4 and 5 are not in possession of the property in Survey No.2721/6 and as such, they cannot be termed as encroachers.

4.The learned Additional Government Pleader on instructions submitted that the land in Survey No.2721/6 is shown as pathway.

5.We direct the second respondent to ensure that the public pathway in Survey No.2721/6, Harijana Colony, Pudhur Vandī Pathai, Jawaharpuram, Madurai-7, is retained as public pathway.

6.The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District,
Madurai.

2.The Special Deputy Tahsildar,
Sathamangalam,
Madurai North Taluk,
Madurai.

3.The Commissioner,
Madurai Corporation,
Madurai.

+1cc to Mr.K.C.RAMALINGAM Advocate in SR. No.75656

+1cc to Mr.T.S.MOHAMMED MOHIDEEN Advocate in SR. No.75541

SSS/AKV

JS/KP/SAR.1/11.09.2017/2P-6C

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