



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.1067 of 2017

T.Santhosam

.. Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Thasildar,
Thuraiyur Taluk,
Trichy District.

3.R.Duraisamy

4.R.Ramasamy

5.P.Perumal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 and 2 to remove Unauthorized Wall Construction by encroaching the pathway in S.No.395/86, Keezhanaduvalur Village, Naduvalur Post, Thuraiyur Taluk, Trichy District, to the extent of 33 feet length and 6.7 feet height from west to east, so as to the petitioner and other public to reach the main Road without any hindrance, by considering the representation of the petitioner dated 21.11.2016.

For Petitioner : Mr.R.Gowrishankar

For Respondents 1 and 2 : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to remove encroachments alleged to have been made in Survey No.395/86, Keezhanaduvalur Village, Thuraiyur Taluk, Tiruchirappalli District, by way of issuing a writ of mandamus.

<https://hcservices.ecourts.gov.in/hcservices/>

2.It is averred in the petition that the petitioner is a



resident of Keezhanaduvalur Village, wherein Survey No.395/86 has been shown as pathway. But the respondents 3 to 5 have encroached the same. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 and 2. Considering the nature of the relief sought in the writ petition, notice need not be sent to the respondents 3 to 5.

4.It is seen from the records that Survey No.395/86 has been classified as a pathway. The main contention putforth on the side of the petitioner is that the respondents 3 to 5 have encroached a portion of the same.

5.Considering the fact that Survey No.395/86 has been classified as pathway and also considering the contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the second respondent viz., Tahsildar, Thuraiyur Taluk, Tiruchirappalli District is strictly directed to remove encroachments alleged to have been made in Survey No.395/86, Keezhanaduvalur Village, under due process of law within a period of two months.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

smn

To

1.The District Collector,
Trichy District, Trichy.

2.The Thasildar,
Thuraiyur Taluk, Trichy District.

+1cc to Mr.R.Gowrishankar Advocate Sr.No. 3587

+1cc to Spl.Government Pleader Sr.No. 3793

JAM/27.01.2017/SV/MMS/SAR 3 2p-5c

**ORDER MADE IN
W.P(MD)No.1067 of 2017
23.01.2017**