



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. [MD].No.23352 of 2016

A.Arulsamy : Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Kulathur Taluk Office,
Pudukkottai District,
Thoothukudi District.

3.The Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.

4.Arockiasamy,
S/o.Kulanthaivel

5.Arockiasamy,
S/o.Mariasusai

: 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 to 3 to remove the encroachment made by the respondent Nos.4 and 5 in Survey No.238/5 classified as public pathway Nallapudaiyanpatti, Minnathur Taluk, Pudukkottai District, by considering the petitioner's representation dated 06.05.2015 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan

For Respondents 1to3 : Mr.M.Govindan,

Special Government Pleader

**O R D E R***********

[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 encroachment stated to have been caused by the respondents 4 and 5 on a public pathway in Survey No.238/5, Nallapudaiyanpatti, Minnathur Taluk, Pudukkottai District.

2. The Tahsildar, Kulathur Taluk Office, is directed to survey the land in question and at the first instance, decide as to whether the land in Survey No.238/5 is classified as a public pathway. In case it was classified as a public pathway and there is an act of encroachment, he shall take action for removal of encroachment, after issuing notice to the encroachers.

3. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Revenue Divisional Officer,
Kulathur Taluk Office,
Pudukkottai District,
Thoothukudi District.
3. The Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.

+1 cc to The Special Government Pleader in SR.No.78614

SML/rmk

AE/MR KKR/SAR2/25.09.2017/2P/5C