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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS. JUSTICE R.THARANI

W.P. (MD) No.16249 of 2018

Antonymsamy

: Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Assistant Director (Panchayat)
District Collector Office,
Trichy,
Trichy District.
3. The Block Development Officer
Block Development Office,
Manapparai
Trichy District.
4. The Special Officer,
Panchayat Union,
Aalippatti Panchayat,
Manapparai Taluk
Trichy District.

5.Jesu

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct respondents NO.1 to 4 to remove the encroachment of the Government pathway comprised in Survey No.328/1 situated at Thoppampatti Village, Manapparai Taluk, Trichy District encroached by the 5th respondent by taking necessary action based on the petitioner's representation dated 20.07.2018.

For Petitioner

: Mr.A.Joel Paul Antony

For Respondents

: Mr.M.Jeyakumar for R1 & R2

Additional Government Pleader

Mr.C.Mari Chelliah Prabhu for R3

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> [Order of the Court was made by **R.SUBBIAH, J**]

This Writ Petition has been filed to direct the respondents Nos.1 to 4 to remove the encroachment on the Government pathway



comprised in Survey No.328/1 situated at Thoppampatti Village, Manapparai Taluk, Trichy District encroached by the 5th respondent by taking necessary action based on the petitioner's representation dated 20.07.2018.

2.It is the case of the petitioner that he has purchased a property in S.No.112/1 to an extent of 4 Acre 06 cents at Thoppampatti Panchayat, Manaparai Taluk, Trichy District and S.No.328/1 is a Government poramboke land and the people are using the said land as public pathway. While so, the fifth respondent has encroached the said pathway. Therefore, the petitioner has given a representation to the petitioner on 20.07.2018. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

3.In view of the above, the respondents 3 and 4 are hereby directed to conduct survey of the land with field map and other relevant documents, if any, and if the above said land is encroached, the respondents 3 and 4 shall initiate necessary action to remove the said encroachment in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Trichy District,
Trichy.
2. The Assistant Director (Panchayat)
District Collector Office,
Trichy,
Trichy District.
3. The Block Development Officer
Block Development Office,
Manapparai
Trichy District.
4. The Special Officer,
Panchayat Union,
Aalippatti Panchayat,
Manapparai Taluk
Trichy District.



+1cc to SPL.Govt.Pleader, Sr.No.97368

+1cc to Mr.A.Joel Paul Antony, Advocate Sr.No.97197

+1cc to M/s.K.Prabhakar, Advocate Sr.No.97796

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RR

KM/PM/SAR2/21.12.2018/3P/8C

Order made in
W.P. (MD) No.16249 of 2018
Dated: 27.11.2018