



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2018

CORAM:

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**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS. JUSTICE R.THARANI**

W.P. (MD) No.19197 of 2018

Annakodi

: Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Pudukkottai.

2.The Revenue Divisional Officer,
Officer of the Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.

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

4.Radhakrishnan

: Respondents

PRAYER: 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 made by the respondent No.4 in public pathway in Survey No.13 situated at Thirunalur North Post, Aranthangi Taluk, Pudukkottai District.

For Petitioner	: Mr.G.Raghul
For R1 to R3	: Mr.R.Sethuraman Special Government Pleader
For R4	: Mr.K.Balasundaram

O R D E R

[Order of the Court was made by **R.SUBBIAH, J**]

This writ petition has been filed for issuance of writ mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondent No.4 in public pathway in Survey No.13 situated at Thirunalur North Post, Aranthangi Taluk, Pudukkottai District.



appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the fourth respondent is in possession of the property in Survey No.14A and that was adjacent to Survey No.13 situated at Thirunalur North Post, Aranthangi Taluk, Pudukkottai District, which was classified as pathway. Taking advantage of the possession of the land adjacent to the public pathway, the respondent No.4 occupied the public pathway by constructing bathroom and asbestos shed and closed the public pathway. In view of the act committed by the respondent No.4, there is no pathway available to reach the property in Survey No.12A. Hence, the petitioner has made a representation to the official respondents to remove the encroachment put up by the respondent No.4. Since the same has not been considered by the official respondents, the present writ petition has been filed.

4. The fourth respondent has entered appearance through the learned counsel. The learned counsel for the fourth respondent has submitted that Survey No.13 is a patta land of various purchasers and therefore, it is incorrect to state that the fourth respondent has encroached Survey No.13.

5. This Court is not conducting any roving enquiry. Already a representation was given to the third respondent. The third respondent is directed to conduct an enquiry after affording sufficient opportunity to the petitioner as well as to the fourth respondent. During enquiry, if the third respondent finds any encroachment in Survey No.13, he shall remove the encroachment in accordance with law, after serving notice and after affording opportunity of personal hearing to the necessary parties.

6. 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, Collectorate Office, Pudukkottai.

2. The Revenue Divisional Officer, Officer of the Revenue Divisional Officer, Aranthangi Taluk, Pudukkottai District.

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

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



+1cc to Mr.G.Raghul Advocate in SR.No.97020
+1cc to Mr.K.Balasundaram Advocate in SR.No.97195
+1cc to Special Government Pleader, SR.No.97355

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SPBK SAR2 13.12.2018 3P 7C

Order made in
W.P. (MD) No.19197 of 2018