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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

THE HONOURABLE **MR.JUSTICE K.KALYANASUNDARAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

W.P. (MD) No.8327 of 2018

P.Ponnusamy

...Petitioner

/Vs./

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Vaiyampatti Panchayat Union,
Vaiyampatti, Trichy District.

3.The Thasildar,
Manaparai Taluk, Trichy District.

4.The Executive Officer,
Thavalaiveerampatti Panchayat Union,
Manaparai Taluk, Trichy District.

5.The Special Officer,
Rural Development Office (Panchayat Union),
Vaiyampatti Panchayat Union,
Manaparai Taluk, Trichy District.

6.Karuppasamy

7.Ponnusamy

8.Shankar

...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 5 to remove the encroachment made by the respondents 6 to 8 obstructing public pathway in Survey No.462/50 in Thavalaiveerampatti & Post, Manaparai Taluk, Trichy District.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R-1 to R-5 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

**ORDER**

The prayer in the writ petition is to issue a writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 8 in survey No.462/50 in Thavalaiveerampatti & Post, Manapparai Taluk, Trichy District.

2.Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner would submit that despite the encroachment made by the private respondents was brought to the knowledge of the official respondents by submitting a representation, dated 03.04.2018, no action was taken and hence, the present writ petition. It is further argued that a suitable direction may be issued to the respondents 2 and 3 to take appropriate action on the representation of the petitioner.

3.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader on instructions would submit that the Block Development Officer had already addressed a letter to the Tahsildar to measure the property in dispute and since there was an objection made by the third respondent, survey is not yet conducted.

4.Taking note of the facts of the case and submission of the learned counsel on either side, this Court, without going into the merits of the matter, directs the respondents 2 and 3 to take appropriate action on the basis of the representation of the petitioner, dated 03.04.2018 purely on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and all other necessary parties. Such exercise shall be completed within a period of six months from the date of receipt of a copy of this orders.

5.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

rj2

To

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Vaiyampatti Panchayat Union,
Vaiyampatti, Trichy District.



3.The Thasildar,
Manaparai Taluk, Trichy District.

4.The Executive Officer,
Thavalaiveerampatti Panchayat Union,
Manaparai Taluk, Trichy District.

5.The Special Officer,
Rural Development Office (Panchayat Union),
Vayampatti Panchayat Union,
Manaparai Taluk, Trichy District.

+1CC TO MR.N.SUDHAGAR NAGARAJ, Advocate Sr. No.61362
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.61624

W.P. (MD) No.8327 of 2018
16.04.2019

SCR(CO)
TR (06.05.2019) 3P 8C