



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 22.02.2019

CORAM

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

AND

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

W.P.(MD)No.2804 of 2019

M.Gunasekaran

.. Petitioner

Vs.

1.The District Collector,
Ramnad District.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramnad District.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing respondents more particularly the respondents 1 and 2 to remove the encroachments made in the common pathway in Survey No.102 situated at Neivayal Village, Thiruvadanai Taluk, Ramnad District within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.Aayiram K.Selvakumar
Addl. Govt. Pleader

ORDER

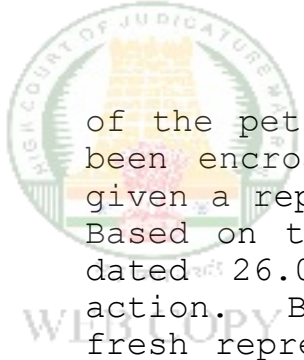
[Order of the Court was delivered by **K.KALYANASUNDARAM, J**]

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents more particularly the respondents 1 and 2 to remove the encroachments made in the common pathway in Survey No.102 situated at Neivayal Village, Thiruvadanai Taluk, Ramnad District within a time frame.

2.Heard Mr.D.Venkatesh, learned counsel for the petitioner as well as Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents.

3.The case of the petitioner is that in the year 1986, SC/ST Welfare Department has allotted 150 colony houses for houseless downtrodden people belonging to SC/ST community. After allotment, the beneficiaries have put up construction and living therein.

4.It is further stated that a common pathway having with 15 foot width runs on the norther side of the colony. The grievance



of the petitioner is that more than 30 years, the said pathway has been encroached by the some people and hence, the petitioner has given a representation in the year 2012 to remove the encroachments. Based on the representation, the second respondent, by proceedings dated 26.07.2013, directed his subordinates to take necessary action. But so far encroachment has not been removed. Hence, a fresh representation was given on 30.12.2017. Even then, there is no response. Hence, the present writ petition.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that a survey was conducted in S.No.102/64 and the encroachment was identified and the respondents are taking action to remove the encroachment in accordance with law. He has also produced a letter of the Tahsildar, dated 21.02.2017 and the same was taken on file.

6.In the light of the above facts and the submissions of the learned Additional Government Pleader, the respondents are directed to take appropriate action on the basis of the representation of the petitioner and to remove the encroachments by following due procedure established by law, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Ramnad District.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramnad District.

+1cc to Mr.D.Venkatesh Advocate, SR.No. 49639

+1cc to M/s.Special Government Pleader,SR.No.49495

W.P.(MD)No.2804 of 2019

SKN

KK/SAR-/15.03.2019/2P-5C