



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.07.2019
CORAM
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI
W.P. (MD) No.16325 of 2019

K.Sekar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

4.The Block Development Officer,
Ilayangudi Union Office,
Ilayangudi,
Sivagangai District.

5.Jeyarani

6.Pitchai

... Respondents

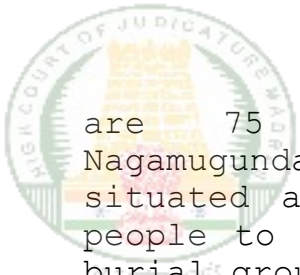
Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents d to remove the encroachment made by the fifth and sixth respondents in the public pathway situated at Survey No.214/2, to an extent of 19 ½ feet at Ittiseri, Thadiyamangalam, Nagamugundankudi Taluk, Ilayangudi Taluk, Sivagangai District, based on the petitioner's representation, dated 22.06.2019.

For Petitioner : Mr.K.Malaimaran

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
for R.1 to R.3
: Mr.Aayiram K.Selvakumar
for R.4

ORDER

(Order of the Court was made by B.PUGALENDHI,J)



are 75 families living in Ittiseri, Thadiyamangalam, Nagamugundankudi Taluk, Sivagangai District and there is a pathway situated at Survey No.214/2, which is being used by the village people to access their farming lands and also, it is a way to the burial ground and since the respondents 5 and 6 have encroached the said pathway, the people of the said village put to hardship and inconvenience and hence, in this regard, the petitioner has submitted a representation dated 22.06.2019 and since, the same has not been invoked any kind of response, the petitioner is constrained to approach this Court by filing this Writ Petition. In support of his contention, the writ petitioner has also filed a copy of Adangal register and FMB sketch, in the typed set of papers.

2. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice, on behalf of the respondents 1 to 3, on instructions, would submit that within a period of ten days, the official respondents are intending to survey the land in question and after identifying the encroachment, appropriate action will be taken in accordance with law.

3. In view of the order that is to be passed, notice to the respondents 5 and 6 is dispensed with.

4. Though the petitioner has sought for a larger relief, considering the facts and circumstances of the case, this Court, without going into the merits of the claim, projected by the petitioner, either in his representation, or in this writ petition, directs the third respondent to complete the survey process, with regard to Survey No.214/2 at Ittiseri, Thadiyamangalam, Nagamugundankudi Taluk, Sivagangai District, within a period of two weeks from the date of receipt of a copy of this order and shall report to the fourth respondent and thereafter, the fourth respondent, after issuing notice to the respondents 5 and 6 as well as other concerned persons, if any, conduct an enquiry and shall remove the encroachments, in accordance with law, within a further period of eight weeks and communicate the decision taken to the petitioner as well as to the concerned persons, including the respondents 5 and 6.

5. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

4.The Block Development Officer,
Ilayangudi Union Office,
Ilayangudi,
Sivagangai District.

+1 CC to Mr.K.MALAIMARAN, Advocate SR-76792.

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