



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.19514 of 2019

K.Vijayakumar

.. Petitioner

Vs.

1.The District Collector,
Thanjavur,
Thanjavur District.

2.The District Revenue Officer,
Thanjavur,
Thanjavur District.

3.The Thasildar,
Thanjavur,
Thanjavur District.

4.The Deputy Thasildar,
Thirukannurpatti Village,
Vallam Taluk, Thanjavur.

5.The Village Administrative Officer,
Thirukannurpatti Village,
Vallam Taluk,
Thanjavur.

6.The Revenue Inspector,
Thirukannurpatti Village,
Vallam Taluk, Thanjavur.

7.Srinivasan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the official respondents 1 to 3 to remove the encroachment made by the seventh respondent in public pathway in survey No.53/7, Thirukkannurpatti Village, Vallam Town Panchayat, Ayyanar Nagar, Thanjavur within the period that may be stipulated by this Court.



For Petitioner : Mr.M.Jerin Mathew
For R1 to R6 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R7 : Mr.N.Shankar Ganesh

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

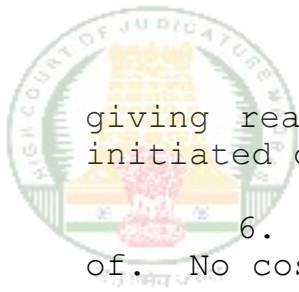
Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents 1 to 6 and Mr.N.Shankar Ganesh, learned counsel for the seventh respondent.

2. The petitioner, who is a physically challenged person has filed this writ petition to direct the official respondents to remove the encroachment made by the seventh respondent, which according to the petitioner is a public pathway.

3. In this regard, the learned counsel for the petitioner has produced a rough sketch to explain us the nature of encroachment and photographs had already been furnished in the typed set of papers. Based on the complaint given by the petitioner before the Commissioner of Differently Abled, who issued notice to the Tahsildar, Thanjavur on 09.02.2018. Thereafter, further proceedings have taken place.

4. The learned counsel for the seventh respondent submitted that earlier one other person filed writ petition for the identical relief and the matter is still pending. Be that as it may, the Revenue Authorities have to ascertain as to whether there is any encroachment in the Government land. If it is found that the petitioner is an encroacher, no concession can be shown.

5. The petitioner would state that on account of an encroachment by the seventh respondent, no water pipeline could be drawn and road could not be laid etc.. Therefore, it is for the authorities to take action in the matter. The representation given by the petitioner is still pending. Therefore, we direct the third respondent to direct inspection be conducted in the area within a period of one week from the date of receipt of a copy of this order. Inspection should be conducted in the presence of the petitioner, the wife of the seventh respondent, namely, S.Chandra, who owns a plot in Survey No.53/463, K.Sathyavani, Jebamalai, Ammu and others, who are all allotted plots in that area. After conducting survey of the area and clearly framing the encroached portion, the encroachers should be informed to remove the encroachment by themselves by



giving reasonable time. If the same is not done, action shall be initiated departmentally.

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

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Thanjavur,
Thanjavur District.
- 2.The District Revenue Officer,
Thanjavur,
Thanjavur District.
- 3.The Thasildar,
Thanjavur,
Thanjavur District.
- 4.The Deputy Thasildar,
Thirukannurpatti Village,
Vallam Taluk, Thanjavur.
- 5.The Village Administrative Officer,
Thirukannurpatti Village,
Vallam Taluk,
Thanjavur.
- 6.The Revenue Inspector,
Thirukannupatti Village,
Vallam Taluk, Thanjavur.

+1 CC to Mr.M.JERIN MATHEW, Advocate (SR-96301[F] dated 06/11/2019)
+1 CC to Mr.N.SHANGAR GANESH, Advocate(SR-96306[F]dated 06/11/2019)
+1 CC to SPL GP (SR-96359[F] dated 06/11/2019)

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VB(18.11.2019) 3P 10C