



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.21951 of 2019

WEB COPY

A.Kanthasamy : Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District, Karur.

3.The Tahsildar,
Taluk Office,
Kulithalai Taluk,
Karur District.

4.The Commissioner,
O/o. Panchayat Union,
Thogamalai Panchayat,
Thogamalai,
Karur District.

5.The Block Development Officer,
O/o. Panchayat Union,
Thogamalai Panchayat,
Thogamalai,
Karur District.

6.Murugesan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in survey No.336 in Kallugur Village, Kulithalai Taluk, Karur District obstructing the petitioner's usage of cart-track to the lands in survey No.338/A and 338/B in Kallugur Village, Kulithalai Taluk, Karur District and pursuant to the proceedings of the fifth respondent in Na.Ka.No.A5/4033/2018 dated .8.2019 and signed on 07.08.2019.

For Petitioner : Mr.V.Illanchezian

For Respondents 1 to 3 : Mr.A.Muthukaruppan

Additional Government Pleader



O R D E R

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

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.V.Illanchezian, learned Counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 3.

3.The petitioner by way of this writ petition seeks for action being initiated for removal of encroachment made by the sixth respondent in a land which is classified as cart track. Since we are disposing of the writ petition without notice to the sixth respondent, we are not inclined to issue any positive direction.

4.The learned Additional Government Pleader accepting notice on behalf of the official respondents would submit that the Block Development Officer, Thogamalai Panchayat will conduct an inspection after notice to the petitioner and the sixth respondent and if there is any encroachment, action will be taken in accordance with law. This submission is placed on record and a direction is issued to the fifth respondent to conduct inspection in the presence of the petitioner and the sixth respondent and if there is any encroachment made, action be initiated in accordance with law. This direction be complied with within a period of eight [8] weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District, Karur.

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



3.The Tahsildar,
Taluk Office,
Kulithalai Taluk,
Karur District.

4.The Commissioner,
O/o. Panchayat Union,
Thogamalai Panchayat,
Thogamalai,
Karur District.

5.The Block Development Officer,
O/o. Panchayat Union,
Thogamalai Panchayat,
Thogamalai,
Karur District.

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-92774[F] dated
18/10/2019)

Order made in
W.P. [MD]No.21951 of 2019

Dated: 17.10.2019

KM/(07.11.2019) 3P 7C