



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

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

W.P.(MD)No.24877 of 2018

P.Ramaraaj

... Petitioner

Vs.

- 1) The District Collector,
Viruthunagar District,
Viruthunagar.
- 2) The Assistant Director (Panchayat),
Madurai District Collectorate Complex,
Madurai Region, Madurai.
- 3) The Revenue Divisional Officer,
Sivakasi Town,
Virudhunagar District.
- 4) The Thasildhar,
Srivilliputhur Taluk Office,
Srivilliputhur Town, Virudhunagar District.
- 5) The Executive Officer,
Mamsapuram Town Panchayat,
Srivilliputhur Taluk,
Viruthunagar 626 110
- 6) The District Surveyor,
District Collector Complex,
Virudhunagar Town & District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 2 to 5 herein to remove the encroachment made in the public pathways in survey nos.410 to 418, viz. Perumal Chettiyar Street, Vellaiyappan Chettiyar Street and V.M.Naidu Street of Mamsapuram Village, Srivilliputhur Taluk, Viruthunagar District within a stipulated time that may be fixed by this Court.



For Petitioner
For Respondents

: Mr.M.Thirunavukkarasu
: Mr.A.K.Baskarapandian,
Special Government Pleader

O R D E R

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

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This Writ Petition filed as a Public Interest Litigation seeks for a direction upon the respondents 2 to 5, to remove encroachments in a public pathway.

2. Admittedly, the pathway is of about 10 feet in width and the petitioner has been addressing the Authorities from 2015. It is not as if the respondents have kept quiet in the matter, but the records placed in the typed set of papers, clearly shows that action has been initiated and survey has been conducted, but the Tahsildar in no uncertain terms states that the encroachment is in the nature of “திண்ணை” and “படிக்கட்டு” and there are no permanent structures.

3. The learned counsel for the petitioner submitted that, if everybody put up small encroachments, then ultimately, the width of the pathway will be reduced drastically as it has happened now and it is very difficult for the people to move around, to take dead bodies, for the school children to go to their schools and for people to go the Temple for offering worship.

4. Considering these facts, we cannot in a Writ Petition adjudicate as to what will be the best procedure to be adopted by the revenue officials, especially when the revenue officials states that there are no pakka structures erected by the encroachers by way of encroachments and those, “திண்ணை” and “படிக்கட்டு” appeared to exist for several years. In any event, the respondents shall take appropriate action in accordance with law if there is any pakka construction put up by any person obstructing the pathway or reducing the width of the pathway.

5. With the above observations, this Writ Petition stands disposed of. No costs. The competent authorities shall take necessary action in this regard within a period of eight(08) weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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



To

- 1) The District Collector,
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- 6) The District Surveyor,
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+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate SR-90590.

Order made in
W.P. (MD) No.24877 of 2018

Dated:

30.09.2019

CS (01.11.2019) 3P 8C