



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.10284 of 2020

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P.Muthusamy

... Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collector,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Musiri, Tiruchirappalli District.
3. The Tahsildar,
O/o. The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.
4. The Block Development Officer,
Uppiliyapuram Panchayat Union,
Tiruchirappalli District.
5. A.Sekar
6. P.Saravanan
7. D.Therasa Mary

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 remove the encroachment made by the respondents 5 to 7 in the public cement road laid through the Periyar Colony, Maaradi Village, Musiri Taluk, Tiruchirappalli District, enabling me to get access to my Agricultural land in Survey Nos.453/6, 453/7, 455/3, 455/10, 455/11 situated in the above Maaradi Village, Tiruchirappalli District.

For Petitioner : Mr. D.Shanmugaraja Sethupathy

For Respondents : Mr. M.Muthugeethaiyan,
Special Government Pleader
for [R1 to R4]

**O R D E R**

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

The writ petitioner is a resident of Uppiliyapuram, Thuraiyur Taluk, Tiruchirappalli District and according to him, he is the owner of agricultural land comprising in Survey Nos.453/6, 453/7, 455/3, 455/10 and 455/11, situated in Maaradi Village, Tiruchirappalli District, vide registered sale deed dated 09.11.2009, and claims to be in possession and enjoyment of the said land and carrying on agricultural operation.

2. According to the writ petitioner, he is having access to the said agricultural land, there exists a public road which runs through Periyar Colony of Maaradi Village and it was converted as a cement road by the Local Body namely Uppiliyapuram Panchayat Union.

3. The grievance expressed by the writ petitioner is that the respondents 5 to 7 had caused encroachment upon the said public road and also caused obstruction. The writ petitioner in this regard, has submitted a representation and lodged a complaint on the file of Sub-Inspector of Police, Uppiliyapuram, dated 04.06.2020 and on enquiry, the private respondents appeared and undertook to remove the obstruction and despite that, they have not done so. The writ petitioner in this regard, has also submitted the representations dated 10.06.2020 and 17.06.2020, to the concerned official and despite receipt and acknowledgement, no action has been taken to remove the encroachment on the public road/pathway and therefore, the petitioner is constrained to approach this Court by way of filing this writ petition.

4. Mr.M.Muthugeethaiyan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 4.

5. This Court, taking into consideration the above facts and circumstances and without going into merits of the claim projected by the petitioner either in his representation dated 04.06.2020 or in this writ petition, directs the respondents 3 and 2, to cause joint inspection of the land in question in Periyar Colony, Maaradi Village, Thuraiyur Taluk, Tiruchirappalli District, after putting the private respondents and any other persons concerned, on notice and depending upon the result of the inspection, if any obstruction/encroachment is noted, shall take immediate and appropriate action in accordance with law within a stipulated time frame by adhering to the principles of natural justice, remove the encroachment as expeditiously as possible. The respondents 2 and 3 are directed to complete the entire exercise within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, as well as to the private respondents and other occupants/encroachers, if any, and



also to the jurisdictional Surveyor concerned.

6. This **Writ petition stands disposed of** with the above directions. No costs.

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Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The District Collector,
O/o. The District Collector,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
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3. The Tahsildar,
O/o. The Tahsildar,
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Tiruchirappalli District.
4. The Block Development Officer,
Uppiliyapuram Panchayat Union,
Tiruchirappalli District.

+1 CC to M/s.GP (SR-15414[F] dated 31/08/2020)

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-15504[F] dated 01/09/2020)

W.P. (MD) No.10284 of 2020

28.08.2020