



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) Nos.12904 & 23468 of 2019

W.P. (MD) No.12904 of 2019:

Swarnaraji

... Petitioner

-vs-

1.The District Collector
Office of the District Collector
Madurai

2.Block Development Officer
Thirupparamkundram Village Panchayat
Madurai

3.The Tahsildar
Thirupparamkundram Taluk Office
Thirupparamkundram, Madurai

4.The Inspector of Police
Astinpatti Police Station
Madurai District

5.V.Kasirajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 herein to forthwith remove the illegal encroachments put up by the 5th respondent in the public pathway of 10 sq.ft. breadth and 300 sq.ft. Length, situated in between S.Nos.166/12A1 and 166/12B1 and that of S.Nos.170/5B and 170/6 situated at Tanakankulam Village, Thirupparankundram Taluk, Madurai District, on the basis of the petitioner's representation dated 03.04.2019.



For Petitioner : Mr.K.Neelamegam

For Respondents : Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R1, R3 & R4

Mr.Karuppasamy Pandian

Government Advocate for R2

Mr.V.Sasikumar for R5

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W.P. (MD) No.23468 of 2019:

V.Kasirajan

... Petitioner

-vs-

1.The District Collector
Madurai District
Madurai

2.The Block Development Officer
Thirupparankundram Panchayat Union
Madurai

3.The Tahsildar
Madurai South Taluk
Madurai

4.The Executive Officer
Thanakkankulam Panchayat
Madurai District

5.Saroja

6.Sivalingam

7.Meera Vedanayagam

8.Sornaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 8 in Survey Nos.166 and 170 of Thanakkankulam Village, Madurai South Taluk, Madurai District (20 ft. South-North Street).



For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R1, R3 & R4

Mr.Karuppasamy Pandian

Government Advocate for R2

Mr.K.Neelamegam for R6 to R8

WEB COPY

C O M M O N O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

The petitioner in W.P.(MD) No.12904 of 2019 has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 4 to forthwith remove the illegal encroachments put up by the fifth respondent in the public pathway of 10 sq.ft. breadth and 300 sq.ft. length, situated in between Survey Nos.166/12A1 and 166/12B1 and Survey Nos.170/5B and 170/6, at Tanakankulam Village, Thirupparankundram Taluk, Madurai District, on the basis of her representation dated 03.04.2019.

2. Similarly, the petitioner in W.P.(MD) No.23468 of 2019 has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 8 in Survey Nos.166 and 170 of Thanakkankulam Village, Madurai-South Taluk, Madurai District (20 ft. South-North Street).

3. From the pleadings, it is clear that the petitioners in both the writ petitions are contending that the other party has encroached the lands in dispute.

4. The learned Government Advocate appearing for the second respondent / Block Development Officer submitted that since both the writ petitioners are contending that the other party has encroached the lands in dispute, the second respondent would take action against all the encroachers for the removal of the encroachments in the subject lands in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5. The learned counsel appearing for the writ petitioners submitted that both the writ petitions may be disposed of recording the submissions made by the learned Government Advocate appearing for the second respondent.



6. Recording the submissions made by the learned Government Advocate appearing for the second respondent, both the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Office of the District Collector,
Madurai.
- 2.The Block Development Officer,
Thirupparamkundram Village Panchayat,
Madurai.
- 3.The Tahsildar,
Thirupparamkundram Taluk Office,
Thirupparamkundram, Madurai.
- 4.The Tahsildar,
Madurai South Taluk,
Madurai.
- 5.The Inspector of Police,
Astinpatti Police Station,
Madurai District.
- 6.The Executive Officer,
Thanakkankulam Panchayat,
Madurai District.

W.P. (MD) Nos.12904 & 23468 of 2019
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KK/SAR/03.02.2020/4P-7C/