



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.18458 of 2020

M.Seyalmurugan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

3.The Block Development Officer
(Village Panchayat),
Kovilpatti Panchayat Union,
Kovilpatti, Thoothukudi District.

4.The President,
Chidambarapuram Village Panchayat,
Ettayapuram Taluk, Thoothukudi District.

5.The Village Administrative Officer,
Chidambarapuram Village,
Ettayapuram Taluk, Thoothukudi District.

6.Karuppasamy ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 4 herein to remove the encroachments made by the sixth respondent in a public pathway comprised in S.No.320/1 situated at Chidambarapuram Village, Ettayapuram Taluk, Thoothukudi District, based on the communication of the fifth respondent by considering the petitioner's representation, dated 27.10.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.N.Muniraj

For Respondents : Mr.K.MU.Muthu

Additional Government Pleader



for R.1, R.2 and R.5
: Mr.M.Muthugeethaiyan
Special Government Pleader
for R.3

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ORDER

(Order of the Court was made by N.KIRUBAKARAN, J)

The petitioner has come before this Court by filing this writ petition seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 4 herein to remove the encroachments made by the sixth respondent in a public pathway, comprised in S.No.320/1, situated at Chidambarapuram Village, Ettayapuram Taluk, Thoothukudi District, based on the communication of the fifth respondent, by considering the petitioner's representation, dated 27.10.2020, within the time limit that may be stipulated by this Court.

2. The petitioner would submit that the sixth respondent has encroached upon a public pathway, comprised in Survey No.320/1, situated at Chidambarapuram Village, Ettayapuram Taluk, Thoothukudi District. Since the public pathway is encroached upon by the sixth respondent, which is causing nuisance to the people, the petitioner gave a representation to the respondents 1 to 4, dated 27.10.2020, to remove the encroachment. Since no action has been taken, the petitioner has come before this Court by filing this writ petition.

3. Heard Mr.N.Muniraj, learned Counsel appearing for the petitioner, Mr.K.MU.Muthu, learned Additional Government Pleader appearing for the respondents 1, 2 and 5 and Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the fourth respondent.

4. The learned Additional Government Pleader appearing the respondents 1, 2 and 5 would submit that already the properties had been inspected and it is found that as per the revenue records, the property in Survey No.320/1, admeasuring to an extent of 472.20 sq.mt, is classified as "Theru" and in that, the private respondent has encroached upon the property to the extent of 15 sq.mt., and is running a grocery shop. Since the land is belonging to the Panchayat, the fifth respondent has forwarded the representation of the petitioner to the third respondent, by proceedings dated 17.03.2020.

5. In view of the above, since the representation of the petitioner is pending before the third respondent, the third respondent is directed to take action for removing the encroachment, after giving notice to the sixth respondent by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that without giving notice to the sixth respondent, no action shall be taken.



6. With the above directions, this Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
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Thoothukudi District.

3.The Block Development Officer
(Village Panchayat),
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

4.The Village Administrative Officer,
Chidambarapuram Village,
Ettayapuram Taluk,
Thoothukudi District.

+ 1 CC TO M/S.SGP, SR NO.26044,26018

W.P. (MD) No.18458 of 2020
16.12.2020

SS (CO)

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