

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.23798 of 2019

Suresh

... Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.

2. The Revenue Divisional Officer,
Alankulam Taluk, Tenkasi District.

3. The Tahsildhar,
Alankulam Taluk, Tenkasi District.

4. The Block Development Officer,
Alankulam Taluk, Tenkasi District.

5. The President,
Mayamankurichi Village Panchayat,
Tenkasi District.

6. Sakthivel

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in the common pathway situated in Survey No. 565/15 and the encroachment made in the Government Poramboke land situated in Survey No.565/14 in Mayamankurichi Village, Alankulam Taluk, Tenkasi District, within a time frame.

For Petitioner	: Mr.K.Navaneetharaja
For Respondents	: Mr.V.Nirmal Kumar, Government Advocate for R1 to R3

ORDER

(Order of the Court was made by **R.MAHDEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in the common pathway and in the Government poramboke land in Survey Nos.565/14 and 565/15, in Mayamankurichi Village, Alankulam Taluk, Tenkasi District, within a time frame.

2. Heard Mr.K.Navaneetharaja, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on

behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Today, when the matter was taken up for hearing, the learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3 has produced the proceedings of the Revenue Divisional Officer, Alangulam – second respondent in Na.Ka.No.A2/2230/2012, dated Nil.10.2022, along with sketch and extracts of relevant revenue records, addressed to him and submitted that as per the revenue records, Survey No.565/14 has been classified as Government Poramboke vacant natham site and Survey No.565/15 has been classified as public pathway in Survey No.565/15 and that the sixth respondent has encroached upon the said public pathway by constructing a compound wall. He further submitted that steps are being taken by the authorities concerned to remove the aforesaid encroachment by following due process of law.

4. The said submission and the communication dated Nil.10.2022 are not refuted by the learned counsel for the petitioner.

5. Recording the said submission of the learned Government Advocate, this Writ Petition is disposed of, with a direction to the authorities

concerned, to remove the encroachment pointed out in the aforesaid communication of the second respondent, after affording an opportunity of hearing to all the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
17.10.2022

Internet : Yes / No
Index : Yes / No
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To

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