



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

W.P. No. 17218 of 2021

S.Sivaprakasam ... Petitioner

Vs.

1. The District Collector
Villupuram District
Villupuram.

2. The Tahsildar
Villupuram Taluk
Villupuram.

3. Chellammal

4. Ayyanar

5. Maheswari

... Respondents

Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the First and Second Respondents to remove the encroachments in pathway/water channel leading to Survey No. 23/2 of V.Maruthur Village, Villupuram Taluk and district.

For Petitioner : Mr. C.Munusamy

For Respondents: Mr. P.Balathandayutham (For R1 & R2)
State Government Counsel

O R D E R

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

This matter has been heard through "Video Conference".

2. The Petitioner has come before this Court alleging that Private Respondents are encroaching upon pathway/water channel leading to Survey No. 23/2 situated at V.Maruthur Village, Villupuram Taluk and district belonging to the Petitioner.



3. According to the Petitioner, the Private Respondents have encroached upon the pathway/water channel and thereby, preventing the Petitioner from entering into his property comprised in Survey No. 23/2, situated at V.Maruthur Village, Villupuram Taluk and district.

4. Heard Mr. C.Munusamy, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned State Government Counsel appearing for the First and Second Respondents, and perused the materials placed on record.

5. At this juncture, notice to the Private Respondents is dispensed with, as this Court intends to give only a direction to dispose of the representation of the Petitioner, after issuing due notice and affording opportunity of personal hearing to them.

6. Since the Petitioner alleges that the encroachments has been made on the pathway/water channel by the Private Respondents, the Second Respondent is directed to cause an inspection in respect of the subject property, after giving notice to the Petitioner as well as the Private Respondents and find out as to whether the Private Respondents have encroached upon the pathway /water channel, based on the Petitioner's representation dated 06.07.2021. If any encroachment is found to be noted, consequential action has to be taken within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear no action shall be taken against the encroachers without issuing any notice on them, otherwise it would be amount to contempt of court.

7. With the above directions, this Writ Petition is Disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The District Collector
Villupuram District
Villupuram.



2. The Tahsildar
Villupuram Taluk
Villupuram.

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+1cc to the Government Pleader, S.R.No.42066

W.P. No. 17218 of 2021

PCH (CO)
CB (17/09/2021)