



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD) No.1085 of 2021

R.Kalpana .. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai West Taluk,
Madurai.

3.Kasi Viswanathan

4.Panchatcharam .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in a manner restricting the usage of public pathway situated in S.No.409/37, Vilacheri Village, Madurai West Taluk, Madurai by considering the petitioner's representation dated 24.12.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan
For Respondents 1&2 : Mr.R.Baskaran,
Standing Counsel for Government
For Respondents 3 & 4 : Mr.M.Saravanan

ORDER

[Order of the Court was delivered by
The Hon'ble Chief Justice]

The grievance of the petitioner is that the land in Survey No.409/37 at Vilacheri Village, Madurai West Taluk, has been encroached upon by the third and fourth respondents.



2. The third and fourth respondents are represented and completely deny the allegation.

3. It is not possible to decide an allegation of encroachment and the denial thereof without evidence being received. In particular, it is helpful if the site is inspected or a survey is conducted thereat.

4. Since the petitioner has made a grievance, the petitioner is permitted to carry a detailed written representation to the second respondent Tahsildar within three weeks from date, whereupon the said Tahsildar will consider the same in accordance with law. If the Tahsildar finds any merit in the representation, the Tahsildar will conduct an inquiry, after affording a reasonable opportunity of hearing to the third and fourth respondents herein. The Tahsildar's reasoned decision on the matter should be communicated to the petitioner herein and to the third and fourth respondents within a period of twelve weeks from date. If any encroachment is discovered, immediate appropriate measures should be taken to remove the same within four weeks of discovering the encroachment.

5. It is made clear that the merits of the petitioner's claim or the private respondents' defence have not been gone into.

6. W.P.(MD)No.1085 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

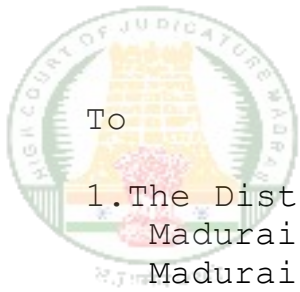
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Sub Assistant Registrar (CS)

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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,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai West Taluk,
Madurai.

+1 CC to MR.R.SUBRAMANIAN, Advocate (SR-20252[F] dated 25/06/2021)

+1 CC to MR.M.NATARAJAN, Advocate (SR-20265[F] dated 25/06/2021)

+1 CC to SPL GP (SR-20442[F] dated 28/06/2021)

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24.06.2021

KM(02.07.2021) 3P 6C