



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) No.5424 of 2021

and

W.M.P. (MD) No.4323 of 2021

WEB COPY

Lakshmi

.. Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.The Surveyor,
Taluk Office, Thirumangalam,
Thirumangalam Taluk,
Madurai District.

4.S.Kumar

5.S.Pitchai

6.Pushpavalli

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove encroachments made by the respondents 4 to 6 in the Government Public Street situated in Survey No.249/112A, Veerapatti Village, Mathipanoor Post, Thirumangalam Taluk, Madurai District and restore the Public Street to its original position within such time as this Court may order for the free usage of public of the village.

For Petitioner : Mr.M.Joseph Thateus Jerome

For Respondents : Mr.P.Thilak Kumar

Standing Counsel for Government
for R1 to R3

Mr.B.Santhanam Rajesh Kumar
for R4 to R6



ORDER

[Order of the Court was made by M.DURAISWAMY]

The petitioner has filed the above writ petition as a Public Interest Litigation to issue a writ of Mandamus directing the respondents 1 to 3 to remove encroachments made by the respondents 4 to 6 in the Government Public Street situated in Survey No.249/112A, Veerapatti Village, Mathipanoor Post, Thirumangalam Taluk, Madurai District and restore the public street to its original position.

2.The learned Counsel appearing for the petitioner submitted that inspite of issuing a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and also an order passed under Section 6 of the Act, the second respondent has not removed the encroachment made by the respondents 4 to 6 so far.

3.The private respondents filed their counter affidavit, wherein they have not stated that any appeal has been filed as against the order passed under Section 6 of the Act, hence, it is evident that the order passed under Section 6 of the Act has become final.

4.Mr.P.Thilakkumar, learned Standing Counsel for the Government appearing for the respondents 1 to 3 submitted that not only the respondents 4 to 6 are the encroachers, but also the petitioner is an encroacher. Further the learned Standing Counsel for the Government submitted that appropriate steps would be taken to remove the encroachment made by all the encroachers in accordance with law.

5.Recording the submission made by the learned Standing Counsel for the official respondents to the effect that the encroachments made by the private respondents as well as the petitioner would be removed in accordance with law, the Writ Petition is disposed of, with a direction to the second respondent to comply with the order passed under Section 6 of the Act as expeditiously as possible. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Thirumangalam Taluk,
Madurai District.
- 3.The Surveyor,
Taluk Office, Thirumangalam,
Thirumangalam Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-27156[F] dated 25/08/2021)

W.P. (MD) No.5424 of 2021
24.08.2021

ES (CO)
SB(02.09.2021) 3P 5C