



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.5223 of 2021

S.Panneer Selvam

.. Petitioner

Vs

- 1.The District Collector,
O/o. District Collectorate,
Sivagangai.
- 2.The Thasildar,
Thirupathur Taluk,
Sivagangai District.
- 3.The Block Development Officer,
Block Development Office,
Kallal,
Sivagangai District.
- 4.M.Ramesh
- 5.M.Radha
- 6.Subramanian
- 7.M.Rajakumar
- 8.L.Ravi
- 9.Saravanan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, to direct the Respondents No.1 and 2 to remove the illegal encroachments made by Respondents No.4 to 9 in public pathway situated in S.No.845/3 at Ponnangudi Village, Kantiramanickam Post, Thirupathur Taluk, Sivagangai District within the time frame stipulated by this Hon'ble Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondent Nos.1 & 2

: Mr.K.Mu.Muthu
Additional Government Pleader

For Respondent No.3

: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For Respondent Nos.4 to 9 : No appearance



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to direct the Respondents Nos.1 and 2 to remove the illegal encroachments made by Respondents No.4 to 9 in public pathway situated in S.No.845/3 at Ponnangudi Village, Kantiramanickam Post, Thirupathur Taluk, Sivagangai District within a time frame.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for respondent Nos.1 & 2 and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the third respondent. Though notice has not been served on respondent Nos.4 to 9, in the light of the order we propose to pass in the matter, notice to them is dispensed with.

3.Learned counsel for the petitioner submitted that respondent Nos.4 to 9 have blocked the pathway by putting up a fence.

4.Learned Additional Government Pleaders appearing for respondent Nos.1 to 3 submitted that there is no encroachment or blockage of pathway by putting up a fence and the petitioner is an encroacher.

5.In any event, it is for the third respondent to conduct inspection in the area and if there is any encroachment, appropriate action will have to be taken for removal of encroachment in accordance with law as expeditiously as possible.

6.The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AE)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



sj
To:

1.The District Collector,
O/o. District Collectorate,
Sivagangai.

2.The Thasildar,
Thirupathur Taluk,
Sivagangai District.

3.The Block Development Officer,
Block Development Office,
Kallal,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-17727[F] dated 27/04/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-17826[F] dated
28/04/2021)

W.P. (MD) No.5223 of 2021
26.04.2021

GS (05.05.2021) 3P 6C