



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2021

CORAM:

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

W.P. [MD]No.10860 of 2021

V.Kala ... Petitioner
Vs.

1.The District Collector,
District Collector Office,
Trichy.

2.The Thasildar,
Kallupatti,
Mangalapuram Taluk,
Trichy District.

3.The Block Development Officer,
Mangalapuri Panchayat Union,
Mangalapuri,
Trichy District.

4.Poousamy @ Sangatamil Ponniraivan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to remove the encroachment in the pathway (asbestos shed) in Survey No.329/17 located at Thathanoor, Mangalapuri Taluk, Trichy District and maintain the same as Public Pathway based on the petitioner's representation, dated 22.03.2021 within the period that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.N.Kamesh
For R1 & R2	: Mr.A.K.Manickam Standing Counsel for Government
For R3	: Mr.S.Shanmugvel Standing Counsel for Government



O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.N.Kamesh, learned Counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for R1 & R2 and Mr.S.Shanmugvel, learned Standing Counsel for Government appearing for R3.

3.The petitioner has filed this Writ Petition seeking for a direction upon the second respondent to remove the encroachment in the pathway (asbestos shed) in Survey No.329/17 located at Thathanoor, Mangalapuri Taluk, Trichy District and maintain the same as Public Pathway based on his representation dated 22.03.2021.

4.Since we are disposing of this writ petition without notice to the fourth respondent, we are not issuing any positive direction.

5.The learned Government Counsel submitted that the survey number in question comes under Marungapuri Taluk and there appears to be an encroachment and necessary action will be taken by the respondents 2 and 3.

6.Therefore, we direct the Tahsildar, Kallupatti, Marungapuri Taluk and the Block Development Officer, Marungapuri, to consider the representation of the petitioner, issue notice to the petitioner and fourth respondent and proceed in accordance with law as expeditiously as possible.

7.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to 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.

To

- 1.The District Collector,
District Collector Office,
Trichy.
- 2.The Thasildar,
Kallupatti,
Mangalapuram Taluk,
Trichy District.
- 3.The Block Development Officer,
Mangalapuri Panchayat Union,
Mangalapuri,
Trichy District.

+1 CC to M/s.SPL GP (SR-21223[F] dated 05/07/2021)

ORDER MADE IN
W.P. [MD]No.10860 of 2021

01.07.2021

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