



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P(MD)No.9593 of 2021

K.Rajendran

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Madurai District.

3.The Block Development Officer,
Kottampatty,
Madurai District.

4.Mohan

5.Mahesh

6.Raman

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachments of the respondents 4 to 6 in public pathway i.e., the branch lane of village main road situated in Survey No.453/21 in Thumpaipatty Village Main Road, namely, Kailasapuram-Udaiyampatty Road at Melur Taluk, Madurai District, on the basis of the petitioner's representation dated 18.03.2021.

For Petitioner

: Mr.R.Shankar Ganesh

For R1 to R3

: Mr.A.K.Manickam

Standing Counsel for Government

ORDER

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

The petitioner has filed this Writ Petition to issue a direction to the third respondent to remove the encroachment and waste materials dumped by the respondents 4 to 6 in an area, which



according to the petitioner is classified as pathway.

2.Mr.A.K.Manickam, learned Government Counsel, who accepts notice for the respondents 1 to 3, submitted that survey has been directed to be conducted. Thus, it appears that there is a dispute as to the existence of the pathway and the width of the pathway, which can be decided only after survey. Therefore, We direct the official respondents to consider the representation made by the petitioner, dated 18.03.2021 and the appropriate authority may conduct survey and action be initiated in accordance with law after notice to the respondents 4 to 6. This direction can be complied with within a period of three months from the date of receipt of a copy of this order.

3.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// 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,
Melur Taluk,
Madurai District.
- 3.The Block Development Officer,
Kottampatty,
Madurai District.

+1 CC to M/s.SPL GP (SR-18743[F] dated 03/06/2021)

W.P(MD)No.9593 of 2021

01.06.2021

AS(10.06.2021)3P 5C

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