



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM :

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

W.P. (MD) No.10133 of 2021

Rajasekaran

.. Petitioner

Vs

1. The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.
2. The District Revenue Officer,
District Revenue Office,
Ramanathapuram,
Ramanathapuram District.
3. The Revenue Divisional Officer,
The District Revenue Office,
Ramanathapuram,
Ramanathapuram District.
4. The Tahsildar,
Taluk Office,
Thiruvadanai,
Ramanathapuram District.
5. The Block Development Officer,
Block Development Office,
Thiruvadanai,
Ramanathapuram District.
6. Arockiyadoss @ Jeyamadavan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 5 herein to remove the illegal encroachment made by the sixth respondent by erecting pillars with encircling of barbed wire fencing in a "cart track" presently being used as public path way situated in Survey No.31/8 at Adi Dravidar Keel Kudiyiruppu,



Nedumaram Village, Thiruvadanai Taluk, Ramanathapuram District, in the light of the petitioner representation dated 27.04.2021 and 08.06.2021 respectively within a stipulated time fixed by this Court.

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For Petitioner

: Mr.S.Muthukumar

For respondents

: Mr.R.Baskaran,
Government Counsel
for R1 to R4
Mr.A.Baskaran
Government Counsel (Civil
Side) for R5

ORDER

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

Heard Mr.S.Muthu Kumar, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Government Counsel, appearing for the respondents 1 to 4 and Mr.A.Baskaran, learned Government Counsel appearing for the fifth respondent.

2. The petitioner has filed this writ petition praying for a direction upon the respondents 1 to 5, to remove the illegal encroachment made by the sixth respondent, who has erected the barbed wire fence in the land which is stated to be a Cart Track. Based upon the complaint given by the local villagers, a peace committee was convened by the fourth respondent-Tahsildar and the minutes of the peace committee was recorded on 05.05.2021, in which, the sixth respondent has also participated and he has agreed to vacate the encroachment by himself on or before 07.05.2021. The petitioner would state that till date, the encroachment has not been removed by the sixth respondent.

3. In the light of the agreement which was arrived at and recorded by the Tahsildar on 05.05.2021, if the sixth respondent has not complied with the undertaking and he has not initiated any other legal steps preventing the authorities from discharging the duties, then the fourth respondent has to take immediate action to remove the encroachment.

4. Accordingly, there will be a direction to the fourth respondent to take action for removal of encroachment, since the sixth respondent has already agreed in the peace committee meeting to remove the encroachment himself within 07.05.2021, which undertaking has not been complied with. This direction will be complied with within a period of two weeks from the date of receipt of a copy of this order.



5. With the above directions, this Writ Petition stands disposed of.
No costs.

Sd/-

Assistant Registrar (CSIII)

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// 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.

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To:

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5. The Block Development Officer,
Block Development Office,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-19594[F] dated 18/06/2021)

+1 CC to M/s.SPL GP (SR-19676[F] dated 18/06/2021)

W.P.(MD) No.10133 of 2021

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GS (24.06.2021) 3P 8C

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