



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.10315 of 2021

Joseph Packianathan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.
- 3.The Tahsildar,
Office of the Taluk Office,
Uthamapalayam,
Theni District.
- 4.The Executive Officer,
Hanumanthanpatti Town Panchyat,
Hanumanthanpatti,
Uthamapalayam Taluk,
Theni District.
- 5.The Executive Engineer,
Public Works Department (W.R.O),
Thallakulam,
Madurai.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
- 7.Sankaralingam
- 8.Selvaraj
- 9.Chinnavar
- 10.Jegan
- 11.Susai
- 12.Michael
- 13.Raja
- 14.Anthony
- 15.Arockiam
- 16.Chinnappar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 herein to remove the encroachments made by the respondents 7 to 16 in the lands comprised in S.No.388 situate Hanumanthanpatti Town Panchayat, Uthamapalayam Taluk, Theni District and to restore the original cart track as well as water channel by



considering petitioner's representation dated 07.04.2021 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Mahendran
For Respondents : Mr.A.K.Manickam
1 to 3 & 5,6 : Standing Counsel for Government
For 4th Respondent : Mr.Sankar Ganesh

ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The petitioner seeks for a direction to respondents 1 to 6 herein to remove the encroachments made by the respondents 7 to 16 in the lands comprised in S.No.388 situate Hanumanthanpatti Town Panchayat, Uthamapalayam Taluk, Theni District and to restore the original cart track as well as water channel by considering his representation dated 07.04.2021 within a time frame.

2.Heard Mr.P.Mahendran, learned counsel for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for respondent Nos.1 to 3, 5 & 6 and Mr.Sankar Ganesh, Standing Counsel for 4th respondent.

3.Since we are disposing of the Writ Petition without notice to the private respondents, no positive direction is given in this Writ Petition.

4.Petitioner seeks for removal of encroachment in natham property, which is Vandai Pathai (வந்தி பாதை). The representation given by the petitioner dated 08.04.2021, has immediately received attention of the Revenue Divisional Officer, Uthamapalam and he has forwarded the representation to the third respondent for appropriate action. Since the representation of the petitioner has already been forwarded to the third respondent, we direct the third respondent to initiate appropriate action in accordance with law, after notice to all concerned. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sj

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,
Office of the District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.
- 3.The Tahsildar,
Office of the Taluk Office,
Uthamapalayam,
Theni District.
- 4.The Executive Officer,
Hanumanthanpatti Town Panchyat,
Hanumanthanpatti,
Uthamapalayam Taluk,
Theni District.
- 5.The Executive Engineer,
Public Works Department (W.R.O),
Thallakulam,
Madurai.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.

+1 CC to M/s.SPL GP (SR-20041[F] dated
23/06/2021)

W.P. (MD) No.10315 of 2021
21.06.2021

KB(30.06.2021) 3P 8C