



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.11569 of 2021

Aathmanathan.C

... Petitioner

Vs

1. The District Collector,
Pudukottai District,
Pudukottai - 622 005.
2. The Revenue Divisional Officer,
Aranthangi Taluk, Aranthangi,
Pudukottai District - 614 616.
3. The Tahsildar,
Aranthangi Taluk, Aranthangi,
Pudukottai District - 614 616.
4. The Assistant Director, [Village Panchayat],
Rural Development and Panchayat Raj Department,
Pudukottai, Pudukottai District.
5. The Block Development Officer,
Aranthangi Panchayat Union,
Aranthangi Taluk,
Pudukottai District-614 616.
6. The President,
Merpanaikadu Village,
Merpanaikadu, Aranthangi Taluk,
Pudukottai District - 614 624.
7. Vilasavathi
8. Mariammal
9. Kanniah

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to remove the encroachments in Survey Nos.56/25 and 56/30 of



Merpanaikadu, Aranthangi Taluk, Pudukottai District and re-establish pathway in the above survey numbers as per the village revenue records.

For Petitioner

: Mr.Raja Karthikeyan

For respondents

: Mr.A.K.Manickam,
Standing Counsel for
Government
for R1 to R4
Mr.R.Ragavendran,
Government Advocate for R5

ORDER

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

We have heard Mr.Raja Karthikeyan, learned counsel appearing for the petitioner; Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1 to 4 and Mr.R.Ragavendran, learned Government Advocate appearing for the fifth respondent.

2. This writ petitioner seeks for a direction upon the respondents to remove the encroachments in Survey Nos.56/25 and 56/30 of Merpanaikadu, Aranthangi Taluk, Pudukottai District and re-establish pathway in the above survey numbers, as per the village revenue records.

3. The learned Government Counsel appearing for the respondents 1 to 4, on instructions, submitted that the private respondents, who are alleged to be encroachers have filed a suit in O.S.No.37 of 2018, on the file of the District Munsif Court, Aranthangi and obtained an ex-parte decree of injunction and the District Collector has already directed the Assistant Director, Village Panchayat, Pudukottai, to take steps to set aside the ex-parte decree and thereafter, to proceed to remove the encroachment. It is not clear as to why the defendants in the suit did not appear before the Court. The District Collector shall also examine as to whether in spite of receipt of notice served on the official defendants in the suit, why they did not appear before the Court and file counter-affidavit/written statement. If there is any dereliction of duty on their part, it would call for initiation of disciplinary action against the Officers.

4. In any event, the official respondents have to take immediate steps for vacating the order of injunction. Accordingly, we dispose of this writ petition by directing the respondents 3 and 4 to take steps to set aside the ex-parte decree of injunction by filing appropriate application before the concerned Court and



thereafter, proceed in accordance with law. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

pkn

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,
Pudukottai District, Pudukottai - 622 005.
2. The Revenue Divisional Officer,
Aranthangi Taluk, Aranthangi, Pudukottai District - 614 616.
3. The Tahsildar,
Aranthangi Taluk, Aranthangi,
Pudukottai District - 614 616.
4. The Assistant Director, [Village Panchayat],
Rural Development and Panchayat Raj Department,
Pudukottai, Pudukottai District.
5. The Block Development Officer,
Aranthangi Panchayat Union,
Aranthangi Taluk, Pudukottai District-614 616.
6. The President,
Merpanaikadu Village,
Merpanaikadu, Aranthangi Taluk, Pudukottai District - 614 624.

+1 CC to M/s.SPL GP (SR-22682[F] dated 15/07/2021)

W.P. (MD) No.11569 of 2021
13.07.2021

PM(CO)

KB(20.07.2021) 3P 8C