



WEB COPY

W.P.(MD)No.13485 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.13485 of 2019

M.Udhayakumar

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Tahsildar,
Madurai North,
Madurai District.

4.Vijaya, W/o.Nagarajan

5.Kannamma, W/o.Gajendran

6.Thirupathi, S/o.Subramani

7.Mohan, S/o.Vellaiyan

8.Ravichandran, S/o.Anantha Subramanian

9.Seelaikari, W/o.Murugan

10.Boomi, S/o.Ponnusamy

11.Ponraj @ Pon Ganesh, S/o.Ponnusamy

12.Muthukonar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 12 in the 20 feet Public Pathway, situated at

<https://hcservices.ecourts.gov.in/hcservices/>



S.Nos.29 and 30 at Vilangudi, Madurai North Taluk, Madurai District, by considering the petitioner's representation, dated 20.11.2017, within a time frame to be fixed by this Court.

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For Petitioner : Mrs.K.Vidya
For R1 & R3 : Mr.K.P.Krishnadoss
Special Government Pleader
For R2 : Mr.S.Chellapandian
For R4, R5 & R7 to R12: Mr.V.Sakthivel

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this Writ Petition *inter alia* alleging that the pathway, situated at S.Nos.29 and 30, Vilangudi, Madurai North Taluk, Madurai District, was originally 20 feet and the same has been encroached by the private respondents.

2.The counter affidavit filed by respondent No.3 would indicate that rough house Patta has been issued in favour of respondent Nos.5 to 12. After leaving the aforesaid extent, what is available is only 5 feet. However, in and out of that 5 feet, one Chellammal has encroached certain portions and action would be taken to remove the encroachment.

3.The learned counsel appearing for the petitioner submitted that there is existence of some more encroachments, including the existence of the cattle in the pathway.

4.Considering the submissions made, particularly, with respect to the fact that rough house Patta has been granted in favour of the private respondents, we are not inclined to pass any orders over the land governed by them. However, the said 5 feet road has to be maintained. It appears that even the said road is not free for ingress and egress and therefore, the official respondents are directed to make sure that the said 5 feet are not encroached either temporarily or permanently. Insofar as the encroachment made by the said Chellammal is concerned, she has to be evicted after issuing notice and by following the due process of law.



5.This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

smn2

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.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Tahsildar,
Madurai North,
Madurai District.

+1 CC to Mr.V.SAKTHIVEL, Advocate (SR-6292[F] dated 19/02/2021)

+1 CC to M/s.K.VIDYA, Advocate (SR-6409[F] dated 22/02/2021)

+1 CC to SPL GP (SR-6447[F] dated 22/02/2021)

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KM (10.03.2021) 3P 7C