



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14466 of 2021

M.Vasuki

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai District,
Sivagangai.

2.The Sub Collector,
Office of the Sub Collector,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thirupathur Tahsildar Office,
Thirupathur Taluk,
Sivagangai District.

4.The President,
Thirukaalppatti Village Panchayat,
Thirukaalppatti,
Thirupathur Taluk,
Sivagangai District.

5.Soundaram

6.Selvam

7.Lakshmi

8.Indira

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in the public pathway in Survey No.17/2 situated in Thirukalapatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District made by the respondents 5 to 8 by considering the petitioner's representation, dated 04.08.2021 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For RR 1 to 3 : Mr.P.Thilak Kumar

Standing Counsel for Government



For R - 4

: Mr.B.Saravanan
Government Advocate

ORDER

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

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The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in the public pathway in Survey No.17/2 situated in Thirukalapatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, made by the respondents 5 to 8 by considering the petitioner's representation, dated 04.08.2021 within a time frame.

2.It is the grievance of the petitioner that the private respondents 5 to 8 have encroached the land in Survey No.17/2.

3.Mr.P.Thilak Kumar, learned Standing Counsel for the Government taking notice for the respondents 1 to 3 submitted that he has got instructions from the official respondents to the effect that the land in Survey No.17/2 was originally sub-divided as 17/2A1 and 17/2A2 and subsequently on 29.05.2013, the said lands were sub-divided as 17/2A1A7, 17/2A1A8, 17/2A1A9, 17/2A1A10, 17/2A1A11 and 17/2A1A12 and patta in respect of the said lands stands in the name of some of the individuals. Further, the learned Standing Counsel submitted that there is no encroachment in the said land as contended by the petitioner.

4.The learned Standing Counsel for the Government also submitted that since the land in question belonged to pattadhars, the question of removing the encroachment does not arise.

5.The submissions made by Mr.P.Thilak Kumar, learned Standing Counsel for the Government appearing for the respondents 1 to 3 are recorded.

6.In view of the same, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

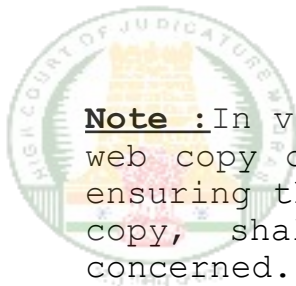
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

ps



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.

WEB COPY

To

- 1.The District Collector,
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- 3.The Tahsildar,
Thirupathur Tahsildar Office,
Thirupathur Taluk,
Sivagangai District.
- 4.The President,
Thirukaalppatti Village Panchayat,
Thirukaalppatti,
Thirupathur Taluk,
Sivagangai District.

+1 CC to M/s.GP (SR-26496[F] dated 17/08/2021)

W.P (MD) No.14466 of 2021
16.08.2021

RD(24.08.2021) 3P 6C