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W.P.(MD)No.15323 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.15323 of 2020
(Through Video Conferencing)

Thavamani

: Petitioner

Vs.

- 1.The District Collector
Pudukottai District.
- 2.The Superintendent of Police,
Pudukottai District.
- 3.The Tahsildar,
Manamelkudi Taluk
Pudukottai District.
- 4.The Block Development Officer,
Panchayat Union, Manamelkudi
Pudukottai District
- 5.The Inspector of Police,
Jegathapattinam Police Station
Pudukottai District.
- 6.The Revenue Inspector,
Kottaipattinam Division,
Manamelkudi Taluk, Pudukottai District.
- 7.The Village Administrative Officer,
Sathiyadi Vilalge, Manamelkudi Taluk
Pudukottai District.
- 8.Kamalam
- 9.Ganesan
- 10.Sivamani
- 11.Ramanathan
- 12.Asokan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 7 to take appropriate action to remove the encroachments made in the common pathway situated in survey no.35/38 at the Sathiyadi Village, Ambalavanenthal post, Manamelkudi Taluk, Pudukottai District and subsequently take appropriate action against the respondent Nos.8 to 12, who are the encroachers within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Ayyanar Premkumar

For Respondents : Mr.K.Mu.Muthu for R1 to R3

Additional Government Pleader

Mr.C.Ramesh for R4

Special Government Pleader



ORDER

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

Heard the learned counsel for the parties.

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2. This is a case of encroachment in existence for number of years. The proceedings have been initiated by the respondent No.4 as early as on 17.09.2019. Thereafter, police complaints have been given by the respondents 5 and 7. The petitioner made another representation to the respondents 1 and 2 on 12.09.2020. Despite the same, nothing has happened on the same.

3. In such view of the matter, we direct the respondent No.4 to take appropriate action towards evicting the private respondents, of course, after following due procedure, based upon the findings, if they are encroachers. Needful will have to be done within eight weeks from the date of receipt of a copy of this order. For undertaking the said exercise, the respondent NO.4 shall have the assistance of the police. The petitioner can approach the police for protection, as it is submitted by the learned counsel for the petitioner that her life is in threat and she is living in a different place. As and when such a request is made, the concerned police being satisfied with the need for protection shall render the same.

4. The writ petition stands closed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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.

RR

To

1.The District Collector
Pudukottai District.

2.The Superintendent of Police,

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



Pudukottai District.

3.The Tahsildar,
Manamelkudi Taluk
Pudukottai District.

4.The Block Development Officer,
Panchayat Union, Manamelkudi
Pudukottai District

5.The Inspector of Police,
Jegathapattinam Police Station
Pudukottai District.

6.The Revenue Inspector,
Kottaipattinam Division, Manamelkudi Taluk
Pudukottai District.

7.The Village Administrative Officer,
Sathiyadi Vilalge,
Manamelkudi Taluk
Pudukottai District.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-13077[F] dated
23/03/2021)

+1 CC to M/s.SPL GP (SR-13348[F] dated 24/03/2021)

Order made in
W.P. (MD) No.15323 of 2020
Dated: 23.03.2021

GS (22.04.2021) 3P 10C