



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.24252 of 2018

S.Govinda Kannan

... Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.
3. S.Gnanaselvi
4. P.Rani
5. The Special Officer,
Kuniyoor Village,
Cheranmahadevi Taluk,
Tirunelveli District.

... Respondents

(R5 impleaded vide Court order dated
17.12.2018 in W.M.P. (MD) No.22434 of 2018)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the Respondents No.1 & 2 herein to remove the encroachment of the pathway comprised in S.No.318/8 situated at Mela Kuniyoor Village, Cheranmahadevi Taluk, Tirunelveli District encroached by the Respondents No.3 and 4 by taking necessary action on the basis of the Petitioner's representation dated 22.05.2018 within a time frame to be stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government
For R1, R2 and R5
Mr.M.P.Senthil
For R4
No appearance for R3



O R D E R

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

Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1, 2 and 5 and Mr.M.P.Senthil, learned counsel for respondent No.4.

2.The writ petitioner seeks for a direction upon respondent Nos.1 & 2 herein to remove the encroachment made in the pathway comprised in S.No.318/8 situated at Mela Kuniyoor Village, Cheranmahadevi Taluk, Tirunelveli District by the Respondents No.3 and 4.

3.The learned counsel for the petitioner submitted that respondent Nos.3 and 4 have encroached into a public lane.

4.The learned counsel for respondent Nos.3 and 4 would emphatically say that they have no compound wall or the gate in public lane.

5.This controversial claims cannot be decided in a Writ Petition and this exercise has to be done by the second respondent Tahsildar. Therefore, we dispose of the Writ Petition by directing the petitioner to give fresh representation along with the copy of the earlier representation dated 22.05.2018 to the second respondent and on receipt of the same, the second respondent is directed to issue notice to the petitioner and respondent Nos.3 and 4 and after conducting an enquiry and perusing the documents that may be produced during the enquiry pass appropriate orders on merits and in accordance with law. The said exercise shall be completed within twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

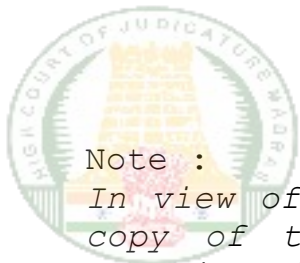
Assistant Registrar (CRL)

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/ /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,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.
3. The Special Officer,
Kuniyoor Village,
Cheranmahadevi Taluk,
Tirunelveli District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-22177[F] dated 12/07/2021)

+1 CC to M/s.SPL GP (SR-22281[F] dated 13/07/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-22247[F] dated 13/07/2021)

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RC (22.07.2021) 3P-7C