



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Friday, the Twenty First day of April Two Thousand and Twenty Three

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PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
AND
The Hon`ble MrsJustice L.VICTORIA GOWRI

WP(MD). No.21974 of 2021

Nagappan

... Petitioner

Vs

- 1 The District Collector
Madurai District.
- 2 The Revenue Divisional Officer
Usilampatti Madurai District.
- 3 The Tahsildhar
Usilampatti Taluk Madurai District.
- 4 The Block Development Officer
Block Development Office Chellampatti
Usilampatti Taluk Madurai District.
- 5 Velu

... Respondents

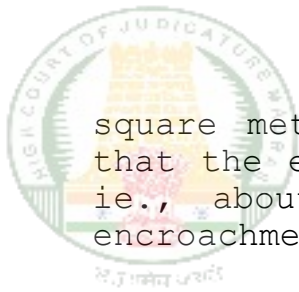
Prayer :-

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Madamus, directing the Respondents No.1 to 4 to remove the encroachment made by the 5th Respondent the agricultural pathway / road in Sy.No.400/3, Vikkiramangalam Village, Usilampatti Taluk and Madurai District by considering the Petitioners representation dated 16.07.2021 .

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru./Ms. R.Balakrishnan, Advocate for the Petitioner and of Mr.S.P.Maharajan, Spl Govt.Pleader For first to third respondents and Mr.V.Omprakash Govt.Advocate For the Fourth Respondent, this Court made the following order:

[Order of the Court was made by R.SUBRAMANIAN, J.]

The Tahsildar, Usilampatti, has filed a status report wherein it is stated that the area of the encroachment found is about 4



square meters. It is also stated that the measurements are that the encroachment is at length of 10mts. and width of 0.4 mts. ie., about 1.3 feet. The Tahsildar has also stated that the encroachment has been removed.

2. But, the learned counsel for the petitioner would submit that the encroachment has not been removed. Photographs have been produced to show that the alleged encroachment complained of two sets of steps put up by the fifth respondent in front of his house to enable access to his house.

3. We find that there are other structures which are intruding into the streets very near the steps in question. We accept the report of the Tahsildar, Usilampatti, to the effect that the encroachment has been removed and close the writ petition. It is open to the petitioner to file a civil suit to work out his rights if he is still aggrieved.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

TO

1. The District Collector
Madurai District.
2. The Revenue Divisional Officer
Er Usilampatti Madurai District.
3. The Tahsildhar
Usilampatti Taluk Madurai District.
4. The Block Development Officer
Block Development Office Chellampatti
Usilampatti Taluk Madurai District.



WP(MD).I



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+1cc R.Balakrishnan, Advocate Sr.23235/23

+1cc Government Pleader, Sr.23215/23

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ORDER DATED : 21/04/2023

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ORDER

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WP(MD). No.21974 of 2021
Giving direction and etc.
as stated within.

KB(09.05.2023) 3P 7C