



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

WEB COPY

**THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

W.P. (MD) No.22634 of 2021

Kaliraj

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

3.Taluk Surveyor,
Srivilliputhur Taluk,
Virudhunagar District.

4.The Block Development Officer,
Virudhunagar District.

5.Ramar

6.Nadathallachi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in S.No.594/32 in Aalathoor, Ayyannachiyarkovil Panchayat, Srivilliputhur Taluk, Virudhunagar District, based on petitioner's representation dated 02.06.2021.

For Petitioner : Mr.J.Gunaseelanmuthiah

For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader

For R4 : Mr.G.Sivaraja



ORDER

**[Order of the Court was made by
The Hon'ble ACTING CHIEF JUSTICE]**

The writ petition has been filed seeking a direction on the respondents 1 to 4 to remove the encroachment made by the respondent Nos.5 and 6 on the land in Survey No.594/32 which is a public road.

2. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that immediately on receipt of the representation of the petitioner, the construction was stopped finding it to be on the land belonging to the public road. It was after conducting spot enquiry by the Revenue Inspector who thereupon sent a report to the Tahsildar, showing the encroachment on the public road. What we find is that despite knowing upon the encroachment on the public road in Survey No.594/32, the encroachment has not been removed, despite a report by the Revenue Inspector after conducting spot enquiry.

3. In view of the above, we dispose of the writ petition with a direction to the respondents 1 to 4 to take further action in the matter to remove the encroachment on the public road in Survey No.594/32, after giving opportunity of hearing to the respondents 5 and 6. The action directed above would be initiated and completed within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

bala/ssl

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,
Virudhunagar District.

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



2.Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

3.Taluk Surveyor,
Srivilliputhur Taluk,
Virudhunagar District.

4.The Block Development Officer,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-39958,40203[F] dated 22/12/2021)

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-39899[F] dated 22/12/2021)

W.P. (MD) No.22634 of 2021
21.12.2021

RK(31/12/2021) 3P 7C