



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.11029 of 2022

V.Madhu

...Petitioner

Vs

1. The State rep by
The Chief secretary to the Government
Government of Tamilnadu
Secretariat, Chennai 600 009
2. The State rep by
The Principal Secretary to Government
Revenue Department,
Secretariat, Chennai 600 009.
3. The Special Officer
Chief Minister's Special Cell
Government of Tamilnadu
Secretariat, Chennai 600009
4. The District Collector
1st Floor, Main Building,
District Collectorate,
Dharmapuri District 636705
5. The Sub Collector
Office of the Sub Collector
Dharmapuri 636701
6. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Dharmapuri Division
Gandhi Nagar, Dharmapuri 636701
7. The Tahsildar,
Pennagaram Taluk,
Dharmapuri Distirct 636810



8. The Revenue Inspector
Perumbalai,
Dharmapuri District 636811

9. P.Murugesan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 4th respondent herein to remove the encroachment of the 9th respondent from the land in S.No. 336 and establish the common path way to the petitioners land in S.No. 349/2A1A on the land in S.No. 336.

For the Petitioner : Mr.B.Baskar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
and
Mr.J.Ravindran,
Additional Advocate-General,
Assisted by
Mr.A.Selvendren,
Spl.G.P., for respondents 1 to 8

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on the fourth respondent to remove the encroachment made by the 9th respondent from the land in S.No.336 and establish a common pathway to the petitioner's land in S.No.349/2A1A.

2. Learned State Government Pleader submits that pursuant to the representation made by the petitioner, a survey was conducted, and during such survey, encroachment was found, which includes encroachment by the petitioner also. In view of the above, a decision would be taken to remove the encroachment by applying the process of law and accordingly, all those who encroached the land would be subjected to action.

3. In view of the above, we dispose of this writ petition with a direction to the official respondents to take action and remove the encroachment after following the due process of law. Action shall be taken against all the encroachments without discrimination, which may include even the petitioner, but such action shall be taken after providing an opportunity to the parties, as given under the rules and law. The entire exercise shall be completed within a period of three months from the date of receipt of copy of this order.



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4. The writ petition is disposed of with above direction.
There will be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief secretary to the Government
Government of Tamil Nadu
Secretariat, Chennai 600 009
2. The Principal Secretary to Government
Revenue Department,
Secretariat, Chennai 600 009.
3. The Special Officer
Chief Minister's Special Cell
Government of Tamil Nadu
Secretariat, Chennai 600 009
4. The District Collector
1st Floor, Main Building,
District Collectorate,
Dharmapuri District 636 705
5. The Sub Collector
Office of the Sub Collector
Dharmapuri 636 701
6. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Dharmapuri Division
Gandhi Nagar, Dharmapuri 636 701
7. The Tahsildar,
Pennagaram Taluk, Dharmapuri District 636 810
8. The Revenue Inspector
Perumbalai, Dharmapuri District 636 811.

+1cc to State Government Pleader SR. No. 40074

+1cc to Government Pleader SR. No. 40342

W.P.No.11029 of 2022

SR II (CO)

PR (05/07/2022)