



WEB COPY



W.P.No.26036 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26036 of 2022

M.Chinnasamy

.. Petitioner

Versus

1.The District Collector,
Kallakurichi.

2.The Revenue Divisional Officer,
Kallakurichi.

3.The Tahsildar,
Chinnasalem, Kallakurichi District.

4.The Block Development Officer,
Chinnasalem, Kallakurichi District.

5.Ramar

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the respondents to take appropriate action to remove the encroachment caused over the public pathway existing in 140/1 of Thenchettianthal Village, Chinnasalem Taluk, Kallakurichi District.

For Petitioner

: Mr.R.Nalliyappan

For R1 to R4

: Mr.P.Muthukumar

State Government Pleader



W.P.No.26036 of 2022

ORDER

(Order of the Court was delivered by The Hon'ble Acting Chief Justice)

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The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 to 4 to take appropriate action for removal of the encroachment caused over the public pathway existing in S.No.140/1 of Thenchettiyanthal Village, Chinnasalem Taluk, Kallakurichi District.

2. When the matter is taken up, Mr.R.Nalliyappan, learned counsel for the petitioner, drawing our notice to the order passed by this Court in W.P.No.17101 of 2020, dated 04.12.2020, submitted that in the said writ petition, the very same writ petitioner sought for a direction to the respondents to remove the encroachments made by the respondents 7 to 10 therein in the existing common pathway in Survey No.140/1, but, the said writ petitioner was dismissed as withdrawn with liberty to the parties to workout their remedy in the manner known to law.

3. Mr.P.Muthukumar, learned Special Government Pleader, accepting notice for the respondents 1 to 4, submitted that after identifying the encroachments put up by the respondents 7 to 10 in W.P.No.17101 of 2020, the respondents have removed all the encroachments, except one encroachment. Therefore, he sought for two weeks time to remove the remaining one encroachment as well.



W.P.No.26036 of 2022

4. Recording the above said submission of the learned State Government Pleader, the writ petition stands disposed of. The respondents 1 to 4 shall cause notice to all the aggrieved parties and after providing opportunity of personal hearing to the parties, the respondents 1 to 4 are directed to remove the remaining one encroachment in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. If the encroachment is not removed within such time, the petitioner is at liberty to approach the court again for appropriate relief. No Costs.

(T.R., ACJ.) (D.K.K., J.)
28.09.2022

rkm

Index:yes/no

Speaking/non-speaking

To

- 1.The District Collector,
Kallakurichi.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
Chinnasalem, Kallakurichi District.
- 4.The Block Development Officer,
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THE HON'BLE ACTING CHIEF JUSTICE



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and
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rkm

W.P.No.26036 of 2022

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