



WEB COPY

W.P(MD)No. 2193 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 2193 of 2021

S.Soundararajan

.. Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Athur Taluk, Dindigul District.

4.M.Thalaiyammal

5.S.Kavitha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 3 herein to forthwith remove the illegal encroachment made by the respondents 4 and 5 herein on public road laid in Survey Nos. 78/2, 86/2, 86/1A & 86/1B in Manalur Village, Athur Taluk, Dindigul District denying right of access to the users of public and to the patta lands in Survey Nos. 91/1, 91/2, 89/1B, 87/2A, 87/2B, 87/1A, 87/3, 96/1, 96/3 in Manalur Village, Athur Taluk, Dindigul District and consequently direct respondents 1 to 3 herein to maintain the same free from access.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R3
Mr.J.Lawrance for R4
No appearance for R5

ORDER

[Made by R.VIJAYAKUMAR, J.]

1. The present writ petition has been filed for a Writ of Mandamus, seeking a direction to respondents 1 to 3 herein to forthwith remove the illegal encroachment made by the respondents 4 and 5 herein on public road laid in Survey Nos. 78/2, 86/2, 86/1A & 86/1B in Manalur Village, Athur Taluk, Dindigul District.



2. Learned Additional Government Pleader appearing for the statutory authorities pointed out that except Survey No.78/2, for all other Survey Numbers civil suit is pending in appeal stage.

3. As admitted by the parties to the proceedings Survey No.78/2 has been classified in the revenue records as 'public road'. According to learned counsel for the petitioner, the fifth respondent has encroached the said survey number and blocked the pathway. However, learned counsel for the fifth respondent contends that the fifth respondent has not blocked Survey No.78/2.

4. Considering the facts and circumstances of the case and the submissions made on behalf of learned advocates for the respective parties, we direct respondents 1 to 3 to remove the encroachment, if any, made in Survey No.78/2 in the above said village. With respect to the alleged encroachment made in other Survey Numbers civil suit is pending in the first appeal stage in A.S.No.44 of 2018 on the file of the Principal Sub Court, Dindigul. The parties shall await the result in the civil proceedings.

5. The Writ Petition stands disposed of with the above direction and observation. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Athur Taluk, Dindigul District.

+1 CC to M/s.S. SRINIVASA RAGHAVAN, Advocate (SR-16601[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-16703[F] dated 05/04/2022)

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04.04.2022

MGJ(13.04.2022) 2P 6C

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