



W.P.(MD) No.2595 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.2595 of 2022

and

W.M.P.(MD)No.2301 of 2022

M.Balaguru

... Petitioner

Vs.

- 1.The District Collector, sivagangai
Collectorate Buildings,
Sivagangai District – 630 561.
- 2.District Revenue Officer, Sivagangai
Office of the District Revenue Officer,
1st Floor, Collectorate Buildings,
Sivagangai District – 630 561.
- 3.Revenue Divisional Officer, Sivagangai,
Office of the Revenue Divisional Officer,
Sivagangai District – 630 561.



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4.The Tahsildar, Thiruppuvanam Taluk,
Taluk Office, Thiruppuvananm,
Sivagangai – 630 611.

5.The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam,
Sivagangai District,
Sivagangai – 630 611.

6.T.Selvaraj @ Chella

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 5 to remove all the encroachments made by the 6th Respondent in Survey No.95 of Thiruppuvanam Pudur Village of Thiruppuvanam Taluk, Sivagangai District and restore the road area with road side-walk/road margin to its original condition as per the revenue records within a time frame that may be stipulated by this Honble Court.

For Petitioner : Mr.R.R.Kannan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader for R1 to R4

Mr.N.Muthu Vijayan for R5

Mr.S.Srinivasaraghavan for R6



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ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove all the encroachments made by the 6th respondent in Survey No.95 of Thiruppuvanam Pudur Village, Thiruppuvanam Taluk, Sivagangai District and to restore the road area with road side-walk/road margin to its original condition, as per the revenue records, within a time frame

2. It is the claim of the petitioner that the sixth respondent has made the aforesaid encroachment in the place in question and in this regard, though the petitioner made a representation on 12.01.2022 to the respondents seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents to remove the said encroachment. Hence, the petitioner has filed this Writ Petition.

3. The second respondent has filed a counter affidavit stating that on the receipt of the petitioner's representation, the 4th respondent has directed the



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revenue officials to conduct spot inspection and file a detailed report. As a result, the Village Administrative Officer, Thiruppuvanam Pudhur, after conducting inspection, has filed his report on 12.05.2022 and it is revealed that the 6th respondent has encroached the road by constructing a house, which is situated in S.No.95. Since the subject road is belonged to the 5th respondent, the fifth respondent has also issued notice in Na.Ka.No.54/2022/A2, dated 14.02.2022, to the sixth respondent and asked him to remove the encroachment within 24 hours.

4. The sixth respondent has filed a counter affidavit stating that he has put up a construction in Survey No.93/1 and not in Survey No.95 and with regard to Survey No.93/1, civil suits in O.S.No.69 of 2019 and O.S.No.12 of 20222 are pending before the Subordinate Court, Manamadurai.

5. Considering the submissions made by both sides, this Writ Petition is disposed of with a direction to the respondents 4 and 5 to conduct a proper inspection in the place in question in the presence of the petitioner as well as the



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sixth respondent. The petitioner and the sixth respondent are directed to produce documentary evidence, if any, to prove their respective claims, before the authorities concerned. Thereafter, if the respondents 4 and 5 find any encroachment in the place in question, the same shall be removed after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]

17.11.2022

vsm

To

- 1.The District Collector, sivagangai
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Sivagangai District – 630 561.
- 2.District Revenue Officer, Sivagangai
Office of the District Revenue Officer,
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vsm

3.Revenue Divisional Officer, Sivagangai,
Office of the Revenue Divisional Officer,
Sivagangai District – 630 561.

4.The Tahsildar, Thiruppuvanam Taluk,
Taluk Office, Thiruppuvanam,
Sivagangai – 630 611.

5.The Executive Officer,
Thiruppuvanam Town Panchayat,
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