



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2022

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**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
AND  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P (MD)No.2962 of 2022**

M.Ramajeyam

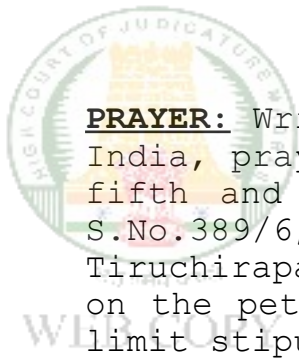
...Petitioner

Vs.

- 1.The District Collector,  
Collectorate,  
Tiruchirapalli District,  
Tiruchirappalli.
- 2.The Assistant Director,  
District Rural Development Agency,  
Collectorate,  
Tiruchirapalli.
- 3.The District Revenue Officer,  
Tiruchirapalli District,  
Tiruchirapalli.
- 4.The Revenue Divisional Officer,  
Musiri,  
Tiruchirapalli District.
- 5.The Tahsildhar,  
Musiri Taluk,  
Musiri,  
Tiruchirapalli District.
- 6.The Block Development Officer,  
Musiri Panchayat Union,  
Tiruchirapalli District.
- 7.The President,  
Vengaimandalam Panchayat,  
Musiri,  
Tiruchirapalli District.

8.Ravi

...Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth and sixth respondents to remove the encroachment in Natham S.No.389/6, situated at Vengaimandalam Village, Musiri Taluk, Tiruchirapalli District made by the 8<sup>th</sup> respondent illegally based on the petitioner's representation, dated 27.10.2021, within a time limit stipulated by this Honourable Court.

|                 |   |                                              |
|-----------------|---|----------------------------------------------|
| For Petitioners | : | No Appearance                                |
| For R-1 to R-5  | : | Mr.J.Ashok,<br>Additional Government Pleader |
| For R-6 & R-7   | : | Mr.G.V.Vairam Santhosh                       |

### O R D E R

(Order of the Court was made by S.S.SUNDAR, J.)

Heard Mr.J.Ashok, learned Additional Government Pleader for respondents 1 to 5 and Mr.G.V.Vairam Santhosh, learned counsel for respondents 6 and 7.

2. This writ petition is filed for issuance of a Writ of Mandamus, directing the fifth and sixth respondents, to remove the encroachments made in Natham Survey No.389/6, situated at Vengaimandalam Village, Musiri Taluk, Tiruchirapalli District.

3. In the affidavit filed in support of this writ petition, the petitioner has stated that he is residing in the property, which is classified as Natham in Survey No.389 of Vengaimandalam Village (measuring an extent of 2 cents). The petitioner's father has constructed a residential house. It is his further case that a part of the land, namely, Survey No.389/6 is being enjoyed as pathway for the residents of that area and that, the pathway is reserved for everyone of the residents and is now being encroached by the eighth respondent. In this regard, the petitioner has given a representation to the sixth respondent.

4. The learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions submitted that the eighth respondent is a relative of the seventh respondent, the President of the Panchayat. Alleging that the sixth respondent had not taken any action on the petitioner's representation, the above writ petition is filed. However, the revenue officials have identified some encroachments and obstructions made by the individual by putting up temporary structures and the officials are setting in motion the process for eviction of encroachments.

5. Though the learned counsel appearing for the petitioner is not present, having regard to the nature of the order proposed to be passed, without issuing notice to the eighth respondent encroacher,



this Court is inclined to pass the following order:

"This Court without expressing any opinion on the merits of the petitioner's representation or the contentions raised in the affidavit filed in support of the writ petition, is inclined to direct the sixth respondent to consider the petitioner's representation dated 27.10.2022 and to take appropriate action or pass orders, after issuing notice to the eighth respondent by giving the eighth respondent an opportunity of being heard, within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that before initiating proceedings for eviction or removal of encroachment, the alleged encroachment should be identified by survey of the land in the presence of eighth respondent or other encroacher if any."

With the above direction, the writ petition is disposed of.  
No Costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PM

To

- 1.The District Collector,  
Collectorate, Tiruchirapalli District,  
Tiruchirappalli.
- 2.The Assistant Director,  
District Rural Development Agency, Collectorate,  
Tiruchirapalli.
- 3.The District Revenue Officer, Tiruchirapalli District,  
Tiruchirapalli.
- 4.The Revenue Divisional Officer,  
Musiri, Tiruchirapalli District.
- 5.The Tahsildhar, Musiri Taluk,  
Musiri, Tiruchirapalli District.



6.The Block Development Officer,  
Musiri Panchayat Union, Tiruchirapalli District.

+1 CC to M/s.SPL GP ( SR-25444[F] dated 13/06/2022 )

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10.06.2022

VR (CO)  
KB (21.06.2022) 4P 8C