



W.P(MD)No.3671 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.3671 of 2021
and
W.M.P(MD)No.4925 of 2021**

K.Rajam

... Petitioner

VS.

- 1.The District Collector,
Tuticorin District.
- 2.The Block Development Officer,
O/o. Block Development Office,
Karungulam at Seithunganallur,
Srivaikundam Taluk,
Tuticorin District.
- 3.The Tahsildar,
Taluk Office,
Srivaikundam Taluk,
Tuticorin District.
- 4.The President,
Alantha Village Panchayat,
Karungulam Panchayat Union,
Srivaikundam Taluk,
Tuticorin District.



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5.Mala
6.Selvarani
7.Raj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 in respect of public pathway of an extent of 75 square meter situate in Natham survey No.905A/1A2, 1B2 at Savalaperi Alantha Village, Srivaikundam Taluk, Tuticorin District based on the survey plan of the Tahsildar, dated 08.09.2020 and in the light of the orders, dated 23.09.2020 and 11.11.2020 in W.P(MD)Nos.12382 and 16177 of 2020 on the file of this Court.

For Petitioner : Mr.T.R.Subramanian

For RR 1 to 4 : Mr.S.P.Maharajan
Special Government Pleader

For R – 5 : Mr.M.Prabhu

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 in respect of the public pathway to an extent of 75 square meters situated in Natham survey No.905A/1A2, 1B2 at Savalaperi Alantha Village, Srivaikundam Taluk, Tuticorin District, based on



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the survey plan of the Tahsildar, dated 08.09.2020 and in the light of the orders of this Court in W.P(MD)Nos.12382 and 16177 of 2020, dated 23.09.2020.

2. Though this Court, by order dated 23.09.2020 and 11.11.2020 in W.P(MD)Nos.12382 and 16177 of 2020, filed at the instance of the fifth respondent, disposed of the Writ Petitions issuing certain directions have been issued for removal of the aforesaid encroachment, till date, no action has been taken. Hence, the petitioner has filed the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that there are encroachers as projected by the petitioner. Pursuant to the inspection conducted in the place in question, the authorities concerned issued show-cause notices to the encroachers for removal of such encroachments.

4. Upon notice, the learned counsel appearing for the fifth respondent submitted that the petitioner is an encroacher and he has approached this Court with unclean hands contending that there some encroachments and therefore, the Writ Petition is liable to be dismissed.



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5.In view of the above, without going into the merits of the claim made by the petitioner, the third respondent is directed to consider the objections of all the parties concerned to the show-cause notices issued earlier and proceed with removal of encroachments, if any, in the place in question, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
22.11.2022

Index : Yes / No
Internet : Yes
ps



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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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