

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

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

W.P(MD)No.4136 of 2020

Annakodi

... Petitioner

VS.

- 1.The District Collector,
Collectorate Office,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Taluk Office, Aranthangi Taluk,
Pudukkottai District.

4.Radhakrishnan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the fourth respondent in public pathway in Survey No.13 situated at Thirunalur North Post, Aranthangi Taluk, Pudukkottai District.

For Petitioner : Mr.G.Rahul
For RR 1 to 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the fourth respondent in public pathway in Survey No.13 situated at Thirunalur North Post, Aranthangi Taluk, Pudukkottai District.

2. The learned counsel appearing for the petitioner submitted that earlier, the petitioner filed a Writ Petition in W.P(MD)No.19197 of 2018 for a similar prayer and this Court by order, dated 27.11.2018, disposed of the said Writ Petition with a direction to the third respondent to conduct an enquiry, after affording sufficient opportunity to the petitioner as well as to the fourth respondent and then proceed further for removal of any encroachment in Survey No.13 in accordance with law. Pursuant to the said order, though the third respondent vide proceedings in Na.Ka.No. 10892/2019/A3, dated 06.08.2019, issued a reply to the petitioner stating

that the fourth respondent has encroached the aforesaid public pathway and a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, has been issued for removal of the said encroachment. It is the grievance of the petitioner that despite the aforesaid communication, till date, the encroachments have not been removed. Hence, this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the authorities concerned will act upon the aforesaid communication of the third respondent, dated 06.08.2019 and remove the encroachments within a time frame.

4. In view of the above, the authorities concerned are directed to remove the encroachment, as per the communication of the third respondent, dated 06.08.2019, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
28.10.2022

To

- 1.The District Collector,
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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
W.P(MD)No.4136 of 2020

DATED : 28.10.2022