



**W.P.(MD) No.5745 of 2020**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.11.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**and**

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.5745 of 2020**

Alagar

... Petitioner

Vs.

- 1.The District Revenue Officer,  
Sivagangai District,  
Sivagangai.
- 2.The Revenue Divisional Officer,  
Sivagangai,  
Sivagangai District.
- 3.The Tahsildar,  
Thiruppuvanam Taluk,  
Sivagangai District.
- 4.Alagar @ Narasu
- 5.Rajangam



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WEB COPY 6.Ravi

7.Muniyandi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to pass orders on the petitioner's representation dated 30.7.2019 seeking to remove the encroachment made by the respondents 4 to 7 on the Kattanur Road abutting the petitioner's property bearing S.No.136/2A measuring 91 cents of Thiruppachethi South Village, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.S.P.Maharajan,  
Special Govt. Pleader for R1 to R3

No Appearance for R4 to R7

### **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 to remove the encroachment made by the respondents



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4 to 7 on the Kattanur Road, abutting the petitioner's property bearing S.No. 136/2A, measuring 91 cents of Thiruppachethi South Village, Thiruppuvanam Taluk, Sivagangai District, by considering the petitioner's representation dated 30.7.2019 .

2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3, relying upon the counter affidavit filed by the third respondent dated 05.06.2020, submitted that the encroachments in the place in question have already been removed. The relevant portion of the said counter affidavit reads as follows:

*“6. I submit that necessary action have been taken and pathway to the petitioner land in S.No.136/2A1 is cleared. Hence the present writ petition is not maintainable on the following grounds.*

*a) Necessary action have been taken by the respondents on the petitioner representation dated 30.07.2019;*

*b) The wire fencing put up by the respondents 3 to 7 in front of the petitioner land 136/2A1, 136/2A2 have been removed by the respondents as such the petitioner is having easy access to the Kattanur road.”*



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**WEB COPY** 3. The abovesaid submissions of the learned Special Government Pleader appearing for the respondents 1 to 3 is stoutly refuted by the learned counsel for the petitioner and he is inclined to file an affidavit to that extent.

4. Be that as it may, to give quietus to the matter, we direct the authorities concerned to remove the encroachment in the place in question, if any, 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.

**[R.M.D., J.]      [J.S.N.P., J.]**

vsm

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**R.MAHADEVAN, J.**  
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