



WEB COPY

W.P(MD)No.21982 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.06.2022**

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21982 of 2021

V.Sankarappa Naicker

...Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur Division,
Sattur,
Virudhunagar District.
- 3.The Thasildar,
Vembakottai Taluk,
Virudhunagar District.
- 4.The Village Administrative Officer,
Kangarakottai Village,
Allayurampannai Post,
Sattur Taluk,
Virudhunagar District.
- 5.Supputhai
- 6.The Block Development Officer,
Vembakottai Union,
Virudhunagar District.

(6th respondent is suo-motu impleaded by
this Court vide order dated 13.06.2022)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to remove the encroachment made by the fifth respondent in Survey No.918/2 at Chandra Street, North Krishnapuram, Thoongareddipatti, Sattur Taluk, Virudhunagar District.



For Petitioner

: V.Sankarappa Naicker
(Party-in-Person)

For R-1 to R-4 & 6

: Mr.J.Ashok,
Additional Government Pleader

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O R D E R

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

Heard the petitioner, who appeared in person and Mr.J.Ashok, learned Additional Government Pleader appearing for official respondents.

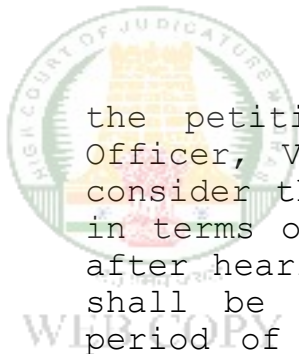
2. Stating that the fifth respondent has encroached in Survey No.918/2 at Chandra Street, North Krishnapuram, Thoongareddipatti, Sattur Taluk, Virudhunagar District, the above writ petition is filed.

3. It is the specific case of the petitioner that the fifth respondent has encroached the public pathway measuring to an extent of 4 fts X 51 fts. In this regard, the petitioner has made a representation earlier and the representation is not considered by the third respondent, who is empowered to take action.

4. It is the case of the third respondent that the encroachment has been identified by the third respondent after survey. However, the learned Additional Government Pleader is unable to verify whether the survey and demarcation was done in the presence of the fifth respondent.

5. Since it is stated that the encroachment of the fifth respondent is in respect of a public pathway and that the person competent to take action to remove the encroachment is the Block Development Officer, Vembakottai Union, Virudhunagar District, he is suo motu impleaded as sixth respondent in the above writ petition.

6. In the said circumstances, this Court without expressing any opinion on the merits of the petitioner's representation and the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the third respondent to survey after local inspection with the assistance of Surveyor and identify the exact encroachment if any in respect of any portion of the public pathway, in the presence of the petitioner as well as the fifth respondent. Such exercise shall be done by the third respondent within a period of three weeks from the date of receipt of a copy of this order. On such report being filed with a copy being marked to



the petitioner and the fifth respondent, the Block Development Officer, Vembakottai Union, Virudhunagar District, is directed to consider the representation of the petitioner and pass final orders in terms of the provisions of the Tamil Nadu Panchayats Act, 1994, after hearing the petitioner and the fifth respondent. Such action shall be undertaken by the Block Development Officer, within a period of four weeks from the date of receipt of report that is drawn by the third respondent. If the report is against the fifth respondent and she raises issues regarding title, she can only approach the civil Court. The respondents are directed to follow the procedure in accordance with law and remove encroachment if any within three months after identifying the encroachments in the manner aforesaid.

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

Sd/-

Assistant Registrar(CO)

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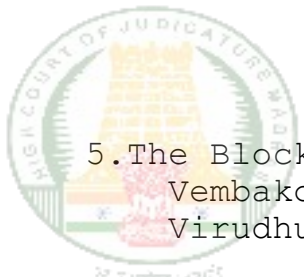
/06/2022

Sub Assistant Registrar(CS)

PM

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur Division,
Sattur,
Virudhunagar District.
- 3.The Thasildar,
Vembakottai Taluk,
Virudhunagar District.
- 4.The Village Administrative Officer,
Kangarakottai Village,
Allayurampannai Post,
Sattur Taluk,
Virudhunagar District.



5.The Block Development Officer,
Vembakottai Union,
Virudhunagar District.

+1 CC to M/s.V.SANKARAPPA NAICKER, Advocate (SR-25490[F] dated
14/06/2022)

+1 CC to M/s.SPL.GP. (SR-25597[F] dated 14/06/2022)

ORDER MADE IN
W.P (MD) No.21982 of 2021
13.06.2022

nsn(CO)
TR(24.06.2022) 4P 8C