



WEB COPY

W.P.[MD]No.6630 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.[MD]No.6630 of 2022

and

W.M.P.[MD]No.5119 of 2022

Anandaram Choudhary

...Petitioner

/Vs./

- 1.The District Collector,
Pudukottai, Pudukottai District.
- 2.The Revenue Divisional Officer,
Iluppur, Pudukottai District.
- 3.The Tahsildhar,
Kulathur Taluk, Pudukottai District.
- 4.The Block Development Officer (V.P.),
Annavasal, Pudukottai District.
- 5.The President,
Irumbali Village, Kulathur Taluk,
Pudukottai District.

- 6.Vidhya
- 7.Ezhumalai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 5 herein to remove the encroachments in the Public Pathway situated to the Thimmanatham Periya Kanmoi situated at S.No.147/2, Irumbali Village, Kulathur Taluk, Pudukottai District as per the proceedings dated 22.01.2021 issued by the 4th respondent herein and ensure that the said Public pathway is maintained as Public Pathway and free for access within the time frame fixed by this Court.

For Petitioner	: No appearance
For R1 to R3	: Mr.J.Ashok Additional Government Pleader
For R4	: Mr.T.Amjath Khan Government Advocate
For R6 & R7	: Mr.K.Balasundharam



ORDER

[Order of the Court was made by **S.S.SUNDAR, J.**]

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents 1 to 5 herein to remove the encroachments in the Public Pathway situated to the Thimmanatham Periya Kanmoi situated at S.No.147/2, Irumbali Village, Kulathur Taluk, Pudukottai District, as per the proceedings dated 22.01.2021 issued by the 4th respondent herein and ensure that the said Public pathway is maintained as Public Pathway and free for access.

2. There is no representation for the petitioner. However, from the submission of the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate appearing on behalf of the fourth respondent, it is learnt that petitioner as well as the respondents 6 and 7 have encroached a portion of the pathway and therefore, the respondents may initiate action both against the petitioner and the respondents 6 and 7 for removal of encroachment in the public pathway.

3. The learned counsel appearing for the respondents 6 and 7 sought for time. However, having regard to the nature of order proposed to be passed by this Court, this Court is of the view that no prejudice is likely to be caused to any of the parties.

4. The question as to whether the petitioner and the respondents 6 and 7 have encroached any portion of the pathway shall be decided by the Block Development Officer, after conducting survey with the assistance of the Taluk Surveyor, in the presence of the petitioner and the respondents 6 and 7. Thereafter, it is open to the Block Development Officer to take appropriate action as against the petitioner and the respondents 6 & 7 or anyone, who are in encroachment of the public pathway.

5. The fourth respondent is directed to conduct a survey with assistance of the Taluk Surveyor in the presence of the petitioner and the respondents 6 and 7, within a period of four (4) weeks from the date of receipt of a copy of this order. The fourth respondent is also directed to initiate appropriate action depends upon the outcome of the survey report within a period of twelve (12) weeks thereafter.

6. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

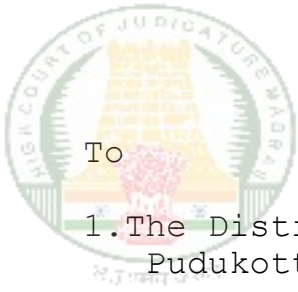
Sd/-

Assistant Registrar (CS I)

// True Copy //

/06/2022

Sub Assistant Registrar (CS)



To

1.The District Collector,
Pudukottai, Pudukottai District.

2.The Revenue Divisional Officer,
Iluppur, Pudukottai District.

3.The Tahsildhar,
Kulathur Taluk, Pudukottai District.

4.The Block Development Officer (V.P.),
Annavaasal, Pudukottai District.

+1 CC to M/s.SPL GP (SR-25437[F] dated 13/06/2022)

Order Made in

W.P. (MD)No.6630 of 2022

Dated:

09.06.2022

SS(23/06/2022) 3P 6C