



W.P.(MD) No.9652 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

CORAM:

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

**W.P.(MD) No.9652 of 2022
and
W.M.P.(MD) No.6928 of 2022**

R.Sugapriya

... Petitioner

-VS-

- 1.The District Collector
Madurai District, Madurai
- 2.The Revenue Divisional Officer
Melur, Madurai District
- 3.The Tahsildar
Madurai South Taluk
Madurai
- 4.The Block Development Officer
(Village Panchayats)
Thirupparankundram Union
Madurai District
- 5.The Executive Officer / President
Viraganur Panchayat
Madurai



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6.The Inspector of Police
Silaiman Police Station
Madurai District

7.T.Ramu

8.C.Rajalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice issued by the fifth respondent in Na.Ka.No.01, dated 08.04.2022 and set aside the same as illegal and arbitrary consequently directing the official respondents to remove the encroachment made by the respondents 7 and 8 putting steps, drainage and neem tree on the 16th feet common road consisting survey No.92/9 of Viraganur Village, which is using to reach the house of the petitioner according to the order passed by the second respondent in Mu.Mu.4247/2021/C, dated 31.03.2022.

For Petitioner : Mr.R.Sevugaraja

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1 to R3
Mr.T.Antony Arulraj for R7 & R8



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenge in this writ petition is to an eviction notice dated 08.04.2022, issued by the fifth respondent, whereby and whereunder, the petitioner was directed to remove the encroachment made by her in Survey No.92/9A of Balaji Nagar, Viraganur Village, Madurai District, within seven days from the receipt of the said notice, with a consequential direction to the official respondents to remove the encroachment put up by the respondents 7 & 8 in the 16 feet common road in Survey No.92/9.

2. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 3, on instructions, submitted that the encroachment in the form of a gate put up by the petitioner has been removed and to that effect, he has produced a copy of the proceedings in Na.Ka.No.3395/2022/T3, dated 08.11.2022, issued by the fourth respondent.

3. Learned counsel appearing for the petitioner submitted that since the respondents 7 and 8 have encroached the 16 feet common pathway



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in Survey No.92/9 by planting trees and constructing steps and drainage tanks, the ingress and egress of the residents of the locality get affected.

4. Learned counsel appearing for the respondents 7 and 8 stoutly refuted the above submission of the learned counsel for the petitioner.

5. In such circumstances, in order to give a quietus to the dispute between the parties concerned, this Court deems it fit to direct the authority concerned to conduct a survey in the common pathway in Survey No.92/9 in the presence of the residents of the locality and then to proceed further in accordance with law.

6. Accordingly, the authority concerned is directed to conduct a survey in the common pathway in Survey No.92/9 in the presence of the residents of the locality and if there is any encroachment by anyone, the same shall be removed, after giving due notice and sufficient opportunity 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.



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7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

08.11.2022

Index : Yes / No
Internet : Yes / No
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