



W.P.(MD)No.13387 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2022

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

and

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

W.P(MD)No.13387 of 2019

C.Iyyanar

... Petitioner

Vs.

1. The District Collector,  
Sivagangai,  
Sivagangai District.

2. The Tahsildar,  
Manamadurai Taluk, Manamadurai,  
Sivagangai District.

3. The Revenue Inspector,  
Muthanendhal, Manamadurai Taluk,  
Sivagangai District.

4. A.Gnanasekaran

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondent 1 to 3 to remove the illegal encroachments of the fourth respondent in the path way to the extent of 0.00.14 Square Meters in the Survey No. 466/1 and also in the Scheduled Caste residential area to the extent of 0.00.42 Square Meters in the Survey No. 33/5A1 in Muthanenthall Village, Vagudi Group, Manamadurai Taluk, Sivagangai District as disclosed in the letter of the second respondent dated



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17.07.2018, to the first respondent and as per the notice dated 11.08.2018 of the third respondent, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Kandha Vadivelan

For Respondents 1 to 3 : Mr.G.V.Vairam Santhosh  
Additional Government Pleader  
for R1 to R3  
No appearance for R4

### **ORDER**

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondent 1 to 3 to remove the illegal encroachments of the fourth respondent in the pathway to an extent of 0.00.14 Square Meters in Survey No. 466/1 and also in the Scheduled Caste residential area to the extent of 0.00.42 Square Meters in Survey No. 33/5A1, in Muthanenthal Village, Vagudi Group, Manamadurai Taluk, Sivagangai District, as disclosed in the letter of the second respondent dated 17.07.2018, to the first respondent and as per the notice dated 11.08.2018 of the third respondent, within a time frame.

2. Pointing out that the fourth respondent encroached the pathway and residential area in Survey Nos. 466/1 and 33/5A1, in Muthanenthal Village, Vagudi Group, Manamadurai Taluk, Sivagangai District and thereby causing



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inconvenience to the public at large, the petitioner submitted a representation dated 30.11.2018, to the first respondent, which according to the learned counsel for the petitioner is unattended. Hence, the Writ Petition.

3. Heard Mr.G.Kandha Vadivelan, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents 1 to 3. Though the name of the fourth respondent appeared in the cause list, there is no representation on behalf of him.

4. The learned Additional Government Pleader has produced the proceedings of the Tahsildar, Manamadurai – second respondent in Na.Ka.No.A6/5949/2022, dated 24.09.2022, addressed to him and submitted that the enquiry conducted by the authorities concerned revealed that the fourth respondent has encroached 0.03.16 hectares of sarkar poramboke in Natham Survey No.466/1, apart from one Mari who has encroached 0.03.16 hectares in Natham Survey No.466/1 and therefore, the second respondent has issued Form-I notice, dated 23.09.2022, to the Block Development Officer, Manamadurai, for the removal of said encroachments made by the fourth respondent herein. Thus, he submitted that steps are being taken by the authorities concerned to remove the aforesaid encroachments. The said



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submission and the communication dated 24.09.2022 are not refuted by the learned counsel for the petitioner.

5. Recording the said submission of the learned Additional Government Pleader, this Writ Petition is disposed of, with a direction to the authorities concerned, to remove the encroachments as per the communication of the second respondent dated 24.09.2022, after affording an opportunity of hearing to the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

**[R.M.D., J.]      [J.S.N.P., J.]**  
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Internet : Yes / No  
Index : Yes / No  
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