



W.P.(MD) No.15114 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

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

**W.P.(MD) No.15114 of 2019
and
W.M.P.(MD) No.11619 of 2019**

N.C.Thangavel

... Petitioner

-VS-

1.The District Collector
Karur District, Karur

2.The Tahsildar
Manmangalam Taluk
Karur District

3.The Block Development Officer
Thanthonri Panchayat Union
Thanthonri, Karur District

4.The Special Officer
Andankovil East Panchayat
Andankovil Pudur
Karur District

5.V.Sathishkumar

6.V.Senthil Kumar

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in North-South 10 feet pathway, which lies between the petitioner's house and the respondents 5 and 6 house in S.F.No.628/15 situated at Andankovilpudur, Manmangalam Taluk, Karur District.

For Petitioner : Mr.B.Senthil Kumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
No appearance for R4
Mr.M.P.Senthil for R5 & R6

ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 and 6 in the North-South 10 feet pathway, which lies between the petitioner's house and the house of the respondents 5 and 6, in S.F.No.628/15 of Andankovilpudur Village, Manmangalam Taluk, Karur District.



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2. The grievance of the petitioner is that though he made a representation to the respondents 1 to 4 as early as on 30.06.2019 seeking removal of the encroachments made by the respondents 5 and 6 in the aforesaid survey number, till date, the same has not been considered.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondents 5 and 6 submitted that there is no encroachment by the respondents 5 and 6 in the said survey number as alleged by the petitioner and the petitioner only has encroached the common pathway by putting up a staircase in the street and the same has to be removed.

4. The learned counsel appearing for the petitioner refuted the above submission of the learned counsel for the respondents 5 and 6.

5. In view of the above, without going into the merits of the claim made by the petitioner, the authority concerned is directed to consider the petitioner's representation dated 30.06.2019 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed,



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after giving due notice 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. Needless to state, the authority concerned, while doing such exercise, shall also find out as to whether the petitioner has made any encroachment in the place in question and if so, the same also shall be removed, as stated above.

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

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

13.10.2022

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
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Karur District.
- 3.The Block Development Officer,
Thanthonri Panchayat Union,
Thanthonri, Karur District.



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