



W.P.(MD) No.13262 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.13262 of 2020

M.Thirunavukarasu

... Petitioner

-Vs-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 4.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.
- 5.Loorthuraj

... Respondents

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WEB CONTENT

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 5th respondent in the public pathway situated at Survey No.178/33, Kalladithidal Village, Visavanoor Group, Ilayangudi Taluk Sivagangai District based on the petitioner's representation dated 30.07.2020.

For Petitioner	: Mr.T.Veerakumar
For R1 to R4	: Mr.P.Thilakkumar, Government Pleader.
For R5	: Mr.M.Gurudas

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in the public pathway situated at Survey No.178/33, Kalladithidal Village, Visavanoor Group, Ilayangudi Taluk Sivagangai District, based on the petitioner's representation dated 30.07.2020.



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2. The learned counsel appearing for the petitioner submitted that the aforesaid encroachment is still existing and the authorities have failed to remove the same, despite the survey conducted by them.

3. The aforesaid statement made by the learned counsel appearing for the petitioner is refuted by the learned counsel appearing for the fifth respondent, who claims that the property in dispute had already been the subject matter of the suit as well as the appeal, which were ended in favour of the fifth respondent and therefore, the authorities concerned, cannot simply proceed with removal of encroachment, on the basis of the representation made by the petitioner.

4. The learned Government Pleader appearing for the respondents 1 to 4, on the other hand, submitted that on the basis of the revenue records, survey had already been conducted in the place in question and some encroachments therein have been found out. Further, the claim of the fifth respondent is relating to some other survey number, which is no way connected to this case. He further

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submitted that the encroachment in the place in question would be removed by the authorities concerned by due process of law within a time frame, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to remove the encroachment in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
09.11.2022

Index : Yes / No
Internet : Yes / No

vsm



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