



W.P(MD)No.14049 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

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

W.P(MD)No.14049 of 2021

A.Kaalimuthu

... Petitioner

VS.

- 1.The District Collector,
Sivagangai District.
- 2.The Block Development Officer,
Sakkottai Block,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
- 4.The Village Administrative Officer,
Mithravayil Post, Karaikudi Taluk,
Sivagangai District.
- 5.The President,
The Panchayat Union of Mithravayil,
Mithravayil Post,
Karaikudi Taluk,
Sivagangai District.



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6.The Superintendent of Police,
Sakkottai,
Karaikudi Taluk,
Sivagangai District.

7.C.Karuppaiyah

8.The Inspector of Police,
Karaikudi Taluk Police Station,
Karaikudi.

... Respondents

(R - 8 is suo motu impleaded vide order
dated 10.08.2021 in W.P(MD)No.14049 of 2021)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 4 and 5 to remove the encroachment made by the seventh respondent as represented by the petitioner in his petition dated 05.08.2020.

For Petitioner	: Ms.Chamundi Bose
For RR 1 to 5	: Mr.V.Nirmal Kumar Government Advocate
For RR 6 & 8	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R - 7	: No appearance



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ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 4 and 5 to remove the encroachment made by the seventh respondent in the public pathway as projected by the petitioner in his representation, dated 05.08.2020.

2. Today, when the matter was taken up for hearing, learned Government Advocate appearing for the respondents 1 to 5 has produced the communication of the third respondent in Na.Ka.No.A6-1607-2022, dated 26.09.2022 addressed to him and submitted that the seventh respondent has voluntarily removed the encroachment as alleged by the petitioner and at present, there is no encroachment in the place in question.

3. Refuting the same, the learned counsel appearing for the petitioner submitted that the seventh respondent is habitually causing encroachment despite the removal of the same by the authorities concerned.



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4. In view of the aforesaid submission, the official respondents are directed to ensure that the public pathway in question is free from encroachment by making periodical inspection.

5. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
26.10.2022

Index : Yes / No

Internet : Yes

ps

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- 5.The President,
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- 7.The Inspector of Police,
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and

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ps

**ORDER MADE IN
W.P(MD)No.14049 of 2021**

26.10.2022