



W.P.(MD).No.13797 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S. SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

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J.Sundarrajan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Thiruparankundram Taluk,
Thirunagar,
Madurai District.
- 3.The Divisional Engineer(NH),
Construction & Maintenance,
Madurai.
- 4.The Divisional Engineer(NH),
Project Section,
Madurai.
- 5.The Inspector of Police,
Thiruparankundram Police Station,
Thiruparankundram,
Madurai District.
- 6.Kannan Poosari



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7.S.karuppiah Poosari
8.S.Arunkumar Poosari
9.S.Murugan Poosari
10.Premalatha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 10 in the land situated in S.No.202/1 classified as Government Poramboke pathway in Thiruparankundram Taluk, Madurai District, by considering the petitioner's representations dated 07.11.2019, 16.02.2020, 06.12.2020, 30.01.2021.

For Petitioner : Mr.K.R.Shivashankari

For R-1 to R-5 : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by S.S.SUNDAR.J.,)

Heard Ms.K.R.Shivashankari, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for respondents 1 to 5.

2. Having regard to the nature of the order going to be passed by this Court, notice to respondents 6 to 10, is dispensed with.



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3. This writ petition is filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 5, to remove the encroachment made by respondents 6 to 10 in the land situated in S.No.202/1, which is classified as Government Poramboke pathway in Thiruparankundram Taluk, Madurai District, by considering the petitioner's representations dated 07.11.2019, 16.02.2020, 06.12.2020, 30.01.2021.

4. The case of the petitioner is that he is the Managing Trustee of Arulmigu Veilukandhamman Temple situated at Thirupprankundram Village & Taluk, Madurai District. It is further stated that the land in SurveyNo.202/1 of Thiruparankundram village, is a Government poramboke pathway as per the revenue records and that, the said pathway is also being used by the public, who used to visit the temple. Stating that the private respondents 6 to 10 have encroached into the said pathway, the petitioner has given several representations along with village people. A representation was also submitted by the petitioner to the Tahsildar and the Revenue Divisional Officer on 06.12.2020 and subsequently, a few representations have also been given on behalf of the Temple.



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5. The learned counsel for the petitioner now submitted that the petitioner will be satisfied if a direction is issued to the second respondent to consider the representation of the petitioner and pass appropriate orders on merits or initiate proceedings for removal of encroachment after giving notice of the petitioner and respondents 6 to 10 or anyone who is interested in the pathway.

6. Considering the limited scope of the prayer that is now sought for by the learned counsel for the petitioner, without expressing any opinion on the merits of the case as raised by the petitioner either in his representation or in the affidavit filed in support of this writ petition, this Court directs the second respondent to consider the representation of the petitioner, dated 06.12.2020 and take necessary action in case it is found that the private respondents are in encroachment in any land belongs to the Government. Before taking any coercive action, the second respondent Tahsildar, is expected to conduct local inspection and survey in the presence of the petitioner and private respondents or anyone who is interested in this matter. It is only after conducting survey



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and demarcation of the Government property, the second respondent shall initiate further action as contemplated under the provisions of the Tamil Nadu Land Encroachment Act, 1905, by issuing show-cause notice and pass final order after considering the objections of the private respondents, in case encroachment is found. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of.

No Costs.

[S.S.S.R.J.] [S.S.Y.J.]
01.07.2022

Index : Yes / No

Internet: Yes / No

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To:

1.The District Collector, Madurai District,
Madurai.

2.The Tahsildar,
Thiruparankundram Taluk, Thirunagar,
Madurai District.

3.The Divisional Engineer(NH),
Construction & Maintenance, Madurai.

4.The Divisional Engineer(NH),



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Project Section, Madurai.

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5.The Inspector of Police, Thiruparankundram Police Station,
Thiruparankundram, Madurai District.

S.S. SUNDAR,J.,
and
S.SRIMATHY,J.,

pm

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