



W.P.(MD)No.14627 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.10.2022

CORAM

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

and

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

W.P(MD)No.14627 of 2021

I.Bhavani

... Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The Block Development Officer,
Thirupparamkundram,
Madurai District.

3. The President,
Erkudi – Achampathu Village Panchayat,
Achampathu, Madurai South Taluk,
Madurai District.

4. P.Jeyakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made by the fourth respondent by constructing a gym obstructing the pathway in Sy.No.13/1A1A1, Achampathu Village, Madurai South Taluk, Madurai District by considering the petitioner's representation dated 18.05.2021.

For Petitioner

: Mr.R.Balakrishnan

For Respondents

: Mr.S.P.Maharajan



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Spl. Government Pleader
for R1 to R3
Mr.M.Subash Babu 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 respondents 2 and 3 to remove the encroachment made by the fourth respondent by constructing a gym obstructing the pathway in Survey No.13/1A1A1, Achampathu Village, Madurai South Taluk, Madurai District, by considering her representation dated 18.05.2021.

2. Heard Mr.R.Balakrishnan, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Pleader appearing for the respondents 1 to 3 and Mr.M.Subash Babu , learned counsel for the fourth respondent.

3. Pointing out that the fourth respondent encroached the pathway in Survey No.13/1A1A1, Achampathu Village, Madurai South Taluk, Madurai District, by constructing a gym and thereby obstructing the free movement of the residents on the said pathway, the petitioner submitted a representation dated 18.05.2021, to the respondents 1 to 3 and the same, according to learned counsel for the petitioner, is unattended.



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4. Refuting the above submission, the learned counsel for the fourth respondent submitted that due to a civil dispute prevailing between the parties in respect to the land in question, a suit is also pending for adjudication before the competent civil Court.

5. In view of the above submissions of the learned counsel for the parties, without expressing any opinion on the merits of the claim made either by the petitioner or by the fourth respondent, this Writ Petition is disposed of, with a direction to the respondents 1 to 3, to survey the land in question in the presence of the petitioner, fourth respondent and all other parties concerned and if there is any encroachment as claimed by the parties, necessary action shall be taken for removal of the encroachment in the aforesaid pathway, 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 eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
27.10.2022

Internet : Yes / No
Index : Yes / No
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