



W.P.(MD) No.14527 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.14527 of 2020

Vasavi

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Vannangkovil, Srirangam Region,
Trichy District.

3.The Tahsildar,
Manapparai Taluk, Trichy District.

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4.The Block Development Officer,
Block Development Office,
Vaiyampatti, Trichy District.

5.Vairamani

6.Silumbayee

7.Nagammal

... Respondents

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 of the Government pathway comprised in Survey No.727/32 situated at Arasunilaipalayam, Aniyappoor Village, Manapparai Taluk, Trichy District encroached by the respondents 5 to 7 by taking necessary action based on the petitioner's representation dated 06.10.2020.

For Petitioner	: Mr.A.Joel Paul Antony
For R1 to R4	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R5	: Mr.R.Mahesaran
For R6 & R7	: No Appearance



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ORDER

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

This Writ Petition has been filed, seeking issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 in the pathway comprised in Survey No.727/32 situated at Arasunilaipalayam, Aniyappoor Village, Manapparai Taluk, Trichy District, based on the petitioner's representation dated 06.10.2020 within a time frame.

2.According to the petitioner, the aforesaid survey number is classified as Government Poramboke pathway in the revenue records. The predecessor of the petitioner filed a Civil Suit in O.S.No.375 of 2004, seeking permanent injunction in respect of the said pathway before the District Sessions Judge, Manapparai and the same was decreed in his favour by judgment and decree dated 25.04.2005. Despite the same, the respondents 5 to 7 again encroached the land in question. Hence, the petitioner made a representation dated 06.10.2020 to the respondents 1 to 4. Finding no heed to it was paid, this Writ Petition is filed.

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3.Today, when the matter was taken up for hearing, the learned Additional Government Pleader for the respondents 1 to 4 submitted that the representation of the petitioner dated 06.10.2020 would be considered on merits and appropriate action would be taken for removal of the encroachments, if any in the place in question, by following due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.

4.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 06.10.2020 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same shall be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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

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

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Index : Yes / No

Internet : Yes / No

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