



W.P(MD)Nos.14637 of 2021 & 27083 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

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

W.P(MD)Nos.14637 of 2021 & 27083 of 2022

W.P(MD)No.14637 of 2021:-

K.Sugila

... Petitioner

VS.

1. The District Collector,
Madurai District.

2. The Tahsildar,
Madurai East Taluk,
Madurai District.

3. The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.

4. V.Pandiyarajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, by directing the respondents Nos.1 to 3 to remove the encroachment that has

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been put up by the 4th respondent on a public pathway measuring to the breadth of 23 feet situated at Hajish Garden, Rajakambeeram Village, Madurai East Taluk, Madurai District, in the light of the orders passed by this Court in W.P(MD)No.12725 of 2016, W.P.(MD)No.13053 of 2018, W.P(MD)No.11862 of 2019, W.P(MD)No.15315 of 2019, W.P(MD)No.18016 of 2019 vide order dated 02.02.2018, 21.08.2018, 08.05.2019, 19.07.2019 and 20.08.2019.

For Petitioner : Mr.R.Anand
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

W.P(MD)No.27083 of 2022:-

V.Pandiyarajan

... Petitioner

vs.

1. The Principal Secretary of Tamilnadu,
Secretariat, Revenue Department,
Chennai-600 009.

2. The District Collector,
Madurai District.

3. The Tahsildhar,
Madurai East Taluk,
Madurai District.

4. The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.

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5. The Head Surveyor,
Town Survey,
Madurai East Taluk,
Madurai District.

6. K.Sukila

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 4th respondent to survey the land in Survey Nos.81/1A1 and 90/3, measuring about 46880 sq.ft., in Plot Nos.46 to 50 and 55 to 60, situated at Rajakambeeram Village, Madurai East Taluk, Madurai District, and the 2nd respondent to remove the encroachment if any as per the guidelines of the Hon'ble Apex Court in Jagpal Sing - Vs- State of Punjab (2011 (11) SCC 396).

For Petitioner	: Mr.S.Chamundi Bose
For R1 to R5	: Mr.V.Nirmal Kumar
	Government Advocate

COMMON ORDER

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

W.P(MD)No.14637 of 2021 is listed today under the caption
'for reporting compliance'.

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W.P(MD)No.27083 of 2022 has been filed for issuance of a Writ of Mandamus, directing the 4th respondent to survey the lands in Survey Nos.81/1A1 and 90/3, measuring about 46880 sq.ft., in Plot Nos.46 to 50 and 55 to 60, situated at Rajakambeeram Village, Madurai East Taluk, Madurai District, and to direct the 2nd respondent to remove the encroachment, if any, as per the guidelines of the Hon'ble Apex Court in Jagpal Sing - Vs- State of Punjab (2011 (11) SCC 396).

3. W.P(MD)No.27083 of 2022 is not maintainable. Even then, we are inclined to issue direction to the authorities, since they failed to comply the direction issued by us in W.P(MD)No.14637 of 2021, dated 27.10.2022. The petitioner in W.P(MD)No.27083 of 2022 is arrayed as the 4th respondent in W.P(MD)No.14637 of 2021, wherein, we have specifically directed the authorities to conduct a survey in the place in question and remove the encroachment therein, if any, after providing opportunity to all the parties including the petitioner in W.P(MD)No.27083/2022. Such direction has not been complied with



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by the authorities. That is the reason why, we are passing the following order:-

(i) The authorities shall conduct a survey in the place in question on 09.12.2022 at 10.00 a.m., in the presence of the petitioner in both these writ petitions and any other parties.

(ii) After the survey, upon verification of the revenue records and considering the objections raised by the petitioner in W.P(MD)No. 27083 of 2022 with regard to change of survey number and the objections by others, necessary orders be passed by the authorities and the encroachment, if any, in the place in question, subsequent to the passing of such order be removed within a period of four weeks thereafter.

(iii) If the petitioner in W.P(MD)No.27083 of 2022 indulges in any of the activities which are not supported by the legal principles, necessary criminal action shall also be initiated against him.

4. With the above direction, in W.P(MD)No.27083 of 2022 is disposed of. No costs.



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5. List both the writ petitions after four weeks for reporting compliance.

[R.M.D.,J.] & [J.S.N.P.,J.]
01.12.2022

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Internet : Yes
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To

1. The Principal Secretary of Tamilnadu,
Secretariat, Revenue Department,
Chennai-600 009.

2. The District Collector,
Madurai District.

3. The Tahsildhar,
Madurai East Taluk,
Madurai District.

4. The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.

5. The Head Surveyor,
Town Survey,
Madurai East Taluk,
Madurai District.

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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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COMMON ORDER MADE IN
W.P(MD)Nos.14637 of 2021
& 27083 of 2022
DATED : 01.12.2022