



W.P.(MD) No.16413 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.16413 of 2020**

**and**

**W.M.P.(MD)No.13734 of 2020**

R.Raja Chidambaram

... Petitioner

**-Vs-**

1.The District Collector,  
Karur District, Thanthonimalai,  
Karur.

2.The District Revenue Officer,  
Karur District, Collectorate,  
Thanthonimalai, Karur-5.

3.The Tahsildar,  
Krishnarayapuram Taluk,  
Karur District.

**Page 1 of 6**



W.P.(MD) No.16413 of 2020

4.Karuppannan

5.The Tahsildar,

Karur District.

... Respondents

(R5 is suo motu impleaded vide Court order dated 20.11.2020)

**PRAYER :** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4<sup>th</sup> respondent in the cart track in Sff.331/9 & 330/3E of Manavasi Village, Krishnarayapuram Taluk, Karur District on the basis of the petitioner's representation dated 06.10.2020 within a time frame fixed by this Court.

For Petitioner : Mr.K.Suresh

For R1 to R3 & R5: Mr.P.Thilak Kumar,  
Government Pleader

For R4 : No Appearance

### **ORDER**

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4<sup>th</sup>

**Page 2 of 6**



W.P.(MD) No.16413 of 2020

WEB COPY

respondent in the cart track in Sff.331/9 & 330/3E of Manavasi Village, Krishnarayapuram Taluk, Karur District, on the basis of the petitioner's representation dated 06.10.2020, within a time frame.

2.The learned Government Pleader for the respondents 1 to 3 and 5 submitted that based on the representation of the petitioner dated 06.10.2020, the authorities concerned had conducted a survey and during survey, it was found that the 4<sup>th</sup> respondent has encroached the aforesaid cart track. Hence, the 3<sup>rd</sup> respondent has issued a show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') to the 4<sup>th</sup> respondent on 07.12.2020. A status report to that effect has also been filed by the 5<sup>th</sup> respondent before this Court. The relevant portion of the same reads as follows:-

*“5.It is submitted that in order to ascertain the said facts, the Revenue and Survey officials of both Karur and Krishnarayapuram Taluk have made a joint inspection of the said pathway on 21/11/2020 @ 10 A.M. It is submitted that the land in S.No.1509 measuring an extent of 0.35.5 Hect is claissified as “Foot Path Poramboke” (கால்பாதை புறம்போக்கு) in the Revenue*



W.P.(MD) No.16413 of 2020

**WEB COPY** *Records of the Uppidamangalam East Village of Karur Taluk, Karur Districts. It is revealed that a Jalagandeswarar (Siva) Temple; a stone walled square well and a small room in front of the temple are available in that field as the land in S.No.1509 is a vested property of the Krishnarayapuram Panchayat and hence the BDO Krishnarayapuram Panchayat was addressed by the respondent to take suitable action as per the Panchayat Act in this regard.*

*7.It is ascertained that as such the 4<sup>th</sup> respondent has interfered with the plan marked detail of cart track which has been used by the public recently and encroached the cart track/pathway by putting fences, and therefore a show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act 1905 (Act III of 1905) was issued against the 4<sup>th</sup> respondent by the 3<sup>rd</sup> respondent herein and the same is pending with him”*

3.He further submitted that the authorities concerned would proceed further by issuing eviction notice under Section 6 of the Act to the 4<sup>th</sup> respondent and appropriate action would be taken for removal of the encroachment, by following due process of law, within a time frame.



W.P.(MD) No.16413 of 2020

WEB COPY

4.Recording the aforesaid submission, this Writ Petition stands disposed of, directing the authorities concerned to remove the encroachment, after affording sufficient opportunity to the 4<sup>th</sup> respondent and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

**10.11.2022**

Index : Yes / No

Internet : Yes / No

Myr

To

1.The District Collector,

Karur District, Thanthonimalai,

Karur.

2.The District Revenue Officer,

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**Page 5 of 6**



WEB COPY



W.P.(MD) No.16413 of 2020

**R.MAHADEVAN, J.**

**AND**

**J.SATHYA NARAYANA PRASAD, J.**

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**W.P.(MD)No.16413 of 2020**

**10.11.2022**

***Page 6 of 6***