



W.P(MD)No.16646 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

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

**W.P(MD)No.16646 of 2019
and
W.M.P(MD)No.13278 of 2019**

S.Madasamy

... Petitioner

VS.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Veerakeralampudur Taluk,
Tirunelveli District.
- 3.North Kavalakurichi Village Panchayat,
Represented by its Special Officer/
Block Development Officer,
Alangulam Panchayat Union,
Alangulam,
Tirunelveli District.
- 4.The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.
- 5.S.Muthupandi Thevar
- 6.Shanmuga Sundaram Velayutham

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 & 4 to remove the encroachment made by the respondents 5 and 6 in the public street in Survey Nos.318/1 and 318/6, Kavalakurichi Village, Veerakeralampudur Taluk, Tirunelveli District based on the petitioner's representation, dated 04.07.2019.

For Petitioner	: Mr.Ananth C.Rajesh
For RR 1, 2 & 4	: Mr.P.Thilak Kumar Government Pleader
For R – 3	: Mr.B.Bagavathi

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 & 4 to remove the encroachment made by the respondents 5 and 6 in the public street in Survey Nos.318/1 and 318/6, Kavalakurichi Village, Veerakeralampudur Taluk, Tirunelveli District, based on the petitioner's representation, dated 04.07.2019.



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2. The learned counsel appearing for the petitioner submitted that the petitioner purchased a property in Survey No.318/6 to an extent of 4-1/2 cents situated at Kavalakurichi Village, Veerakeralampudur Taluk, Tirunelveli District through a registered sale deed, dated 22.11.1999. Similarly, 10 other persons also purchased similar extent of lands. All the 11 owners decided to lay a road by contributing 5 feet width space for the purpose of laying a road and executed a registered a gift deed, dated 03.11.2017, which was registered as Document No.3141 of 2017. Thereafter, the said road was formed and the land owners constructed their houses. In order to disturb the peaceful enjoyment of the road by the 11 land owners, the respondents 5 and 6 created fabricated documents and illegally obtained patta in their names and attempted to construct a cross wall in the middle of the road. Hence, the petitioner along with others submitted a representation, dated 04.07.2019 to the respondents 1 to 3. So far, no action has been taken by the respondents 1 to 3. Hence, this Writ Petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the respondents 1, 2 and 4 and the learned counsel appearing for the third respondent.



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4. Appreciating the act of the petitioner and 10 others by contributing 5 feet of their respective lands through the registered Gift deed, dated 03.11.2017 for the purpose of laying a road for public usage, we direct the authorities concerned to survey the road in question. If there is any encroachment, the authorities concerned shall remove the same, 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. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
13.10.2022



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

ps

ORDER MADE IN
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