



W.P.(MD) No.18104 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

W.P.(MD) No.18104 of 2021

Shanthi

... Petitioner

-vs-

- 1.The District Collector
Collectorate Building
Thoothukudi-628 101
Thoothukudi District
- 2.The District Revenue Officer
Collectorate Building
Thoothukudi-628 101
Thoothukudi District
- 3.The Revenue Divisional Officer
Revenue Divisional Office
Thiruchendur-628 215
Thoothukudi District
- 4.The Assistant Director
(Town Panchayat)
N.G.O.B.Colony
Tirunelveli-627 007
- 5.The Tahsildar
Tahsildar Office
Eral-628 801
Thoothukudi District



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6.The Executive Officer
Nazareth Town Panchayath
Nazareth, Eral Taluk

7.The Village Administrative Officer
Nazareth Village, Eral Taluk,
Thoothukudi District

8.Jegadeesh

9.John

10.Charles

11.Edward

12.Belsiya

13.Jenitta

14.Johnsi

15.Manjula

16.C.Anand

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to consider up towards petitioner representation dated 28.06.2021 and to take up appropriate action as against the respondents 8 to 16 and to remove away the illegal encroachment made by the on the public common pathway situated in the Survey No.308/38 (under Government Patta land), Nazareth Revenue Village, Prakasapuram, Nazareth, Eral Taluk, Thoothukudi District and restore up the public common pathway.



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For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R7
Mr.M.P.Senthil for R8
Fr.V.John Kennedy for R9 to R11 & R16
No appearance for R12 to R15

ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 to 7 to remove the encroachment made by the respondents 8 to 16 in Survey No.308/38 of Nazareth Revenue Village, Prakasapuram, Nazareth, Eral Taluk, Thoothukudi District and to restore the same in its original position, based on the petitioner's representation dated 28.06.2021.

2. The grievance of the petitioner is that though she made a representation to the official respondents as early as on 28.06.2021, seeking removal of the encroachment made by the private respondents in the form of a gate put up in the aforesaid survey number, till date, the same has not been considered.



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3. Today, when the matter was taken up for hearing, the learned counsel appearing for the respective private respondents submitted that the private respondents are ready to remove the gate put up by them in the subject land within a period of four weeks from today and liberty may be granted to resolve the dispute between the parties and to arrive at an amicable settlement / solution.

4. The above submission of the learned counsel for the respective private respondents is not refuted by the learned counsel for the petitioner.

5. Recording the above submission and granting liberty to the parties as prayed for, the writ petition is disposed of with a direction to the private respondents to remove the gate in question, within a period of two weeks as agreed by them. No costs.

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

27.10.2022

Index : Yes / No

Internet : Yes / No

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