



W.P.(MD)No.19663 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

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

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B.Thandavarayan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The District Revenue Officer,
Thanjavur District.

3.The Sub Collector,
Kumbakonam,
Thanjavur District.

4.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

5.G.Senthil

6.B.Kalaimani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 and 6 in the north street situated in Survey No.183B/7 in Neikunnam



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Village, Papanasam Taluk, Thanjavur District in order to facilitate the landowners to use the street to reach their fields within the time stipulated by this Honourable Court.

For Petitioner : Mr.S.Vinayak

For Respondents 1 to 4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For Respondents 5 & 6 : Mr.B.Jameel Arasu
* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 and 6 in the North Street in Survey No.183B/7, situated at Neikunnam Village, Papanasam Taluk, Thanjavur District, in order to facilitate the landowners to use the street to reach their fields, within a time frame.

2. Heard Mr.S.Vinayak, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, appearing for the respondents 1 to 4 and Mr.B.Jameel Arasu, learned counsel for the respondents 5 and 6.



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3. Alleging that the respondents 5 and 6 have made encroachment in the North Street in Survey No.183B/7, situated at Neikunnam Village, Papanasam Taluk, Thanjavur District, thereby preventing the landowners to use the street to reach their fields, the petitioner submitted a representation to the official respondents on 22.11.2018, and though the said representation was forwarded to the fourth respondent by the respondents 2 and 3 for taking necessary action, the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the fourth respondent to dispose of his representation dated 22.11.2018, within a time frame.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the



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fourth respondent to consider the representation of the petitioner dated 22.11.2018, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 5 and 6 and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing 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.

[R.M.D., J.] [J.S.N.P., J.]
22.11.2022

Internet : Yes / No

Index : Yes / No

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