



W.P.(MD)No.20101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.20101 of 2022

Guruvammal

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar, Virudhunagar District.
- 2.The District Revenue Officer, Virudhunagar District.
- 3.The Tahsildar,
Virudhunagar Taluk, Virudhunagar District.
- 4.The Block Development Officer,
Virudhunagar, Virudhunagar District.
- 5.Karuppasamy
- 6.Muniyappan
- 7.Muthumari

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in the public street situated at S.No.178/46, Pattampudur Village, Virudhunagar Taluk, Virudhunagar District as per order passed by the first respondent in his proceedings in Na.Ka.G2/188/2022, dated 11.07.2022 within a time frame that may be fixed by this Court.



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For Petitioner :Mr.R.Rajamohan
For R1 to R3 :Mr.S.P.Maharajan
Special Government Pleader
For R4 :Mr.T.Amjad Khan
Government Advocate

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in the public street situated at S.No.178/46, Pattampudur Village, Virudhunagar Taluk, Virudhunagar District as per order passed by the first respondent in his proceedings in Na.Ka.G2/188/2022, dated 11.07.2022 within a time frame that may be fixed by this Court.

2.Heard Mr.R.Rajamohan, learned Counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice on behalf of R1 to R3 and Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of fourth respondent. By consent of all parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.The petitioner has given a representation to the official respondents to remove the encroachment in S.No.178/46, Pattampudur Village, Virudhunagar Taluk, Virudhunagar District. The petitioner has filed a extract of revenue record to show that the entire property in S.No. 178/46 is classified as Government Poramboke, which is used by the public as a pathway.

4.Considering the grievance of the petitioner and the fact that the petitioner has already given a representation to the official respondents earlier, without expressing any opinion on the merits of the petitioner's contentions either in the representation or in the affidavit filed in support of this Writ Petition, this Court is inclined to dispose of the Writ Petition with the following directions:

4.1.The official respondents shall conduct a survey after issuing notice to the respondents 5 to 7 as well as the petitioner to find out whether there is any encroachment by the private respondents in public street or any Government poramboke land. If the survey report reveals any encroachment, it is open to the third respondent to initiate appropriate action as against the encroachers for removal of encroachment under the Tamil Nadu Land Encroachment Act. The entire



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exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is disposed of. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
29.08.2022

Index : Yes / No

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To

- 1.The District Collector,
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