



W.P(MD)No.20460 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20460 of 2022

S.Muruga Kanaga Sundari

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

2.The Block Development Officer,
Vilathikulam,
Tuticorin District.

3.R.Sridhar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to implement the order passed by the first respondent by his proceedings in Na.Ka.A2/11025/2021 dated 11.05.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R.1



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Mr.G.V.Vairam Santhosh
Additional Government Pleader for R.2

ORDER

Heard the learned counsel on either side.

2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

3. The petitioner claims that the third respondent had encroached on the petition mentioned road. The petitioner moved the first respondent who issued proceedings dated 11.05.2022 calling upon the second respondent to conduct the survey and remove the encroachment if found thereafter.

4. A reading of the proceedings dated 11.05.2022 issued by the first respondent does not indicate that the third respondent was heard. Therefore, the second respondent is directed to ensure that the survey of the petition mentioned properties are conducted through the jurisdictional Tahsildar. Such survey shall be conducted after putting the third respondent on notice. If at the end of the survey exercise and demarcation it is found that the third respondent has encroached the public road the same shall be removed after following due process of law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. This writ petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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