



W.P(MD) No.21235 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM:

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

W.P.(MD) No.21235 of 2022

Annaperumayee

... Petitioner

-VS-

- 1.The District Collector,
Collectorate, Madurai – 625 020.
- 2.The Revenue Divisional Officer,
Usilampatti, Usilampatti Town,
Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk, Madurai District.
- 4.The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.
- 5.The President,
Seemanuthu Village Panchayat,
Maamarathupatti,
Usilampatti Taluk,
Madurai District.

6.Mrs.Amutha

... Respondents



W.P(MD) No.21235 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the third respondent herein to remove the sixth respondent encroachment made in the common path of Survey No.97, Seemanuthu Village, Usilampatti Taluk, Madurai District as per the Firka Surveyor report dated 02.04.2022 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.K.Samy

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader
for R1 to R4
No appearance for R5 & R6

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 third respondent to remove the encroachment made by the sixth respondent in Survey No.97, Seemanuthu Village, Usilampatti Taluk, Madurai District, by considering the Firka Surveyor's report dated 02.04.2022.

2. It is the case of the petitioner that earlier, he filed W.P(MD) No. 2337 of 2022 and this Court, *vide* order dated 04.02.2022, disposed of the said writ petition, directing the respondents therein, to survey the lands in the above said survey number. Accordingly, the Firka Surveyor



W.P(MD) No.21235 of 2022

had conducted a survey in the aforesaid land and fixed the boundaries, after identifying the common pathway. Now, the grievance of the petitioner is that the sixth respondent has made some encroachments on the aforesaid common pathway and in this regard, she made a representation dated 29.10.2021 to the third respondent, to take action for removal of such encroachments, but no action was taken. Hence, this writ petition.

3. Heard Mr.K.K.Samy, learned counsel appearing for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 to 4, who submitted that if there is any encroachment, the third respondent will take appropriate action for removal of such encroachments.

4. Recording the above submission of the learned Special Government Pleader, the third respondent is directed to inspect the common pathway in question and if there is any encroachment as pointed out by the petitioner, appropriate action shall be taken for removal of such encroachment by following due process of law and also after affording opportunity to the parties concerned. The said exercise shall be



W.P(MD) No.21235 of 2022

completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

6. Post the matter after eight weeks under the caption 'for reporting compliance'.

[R.M.D., J.] [J.S.N.P., J.]
13.09.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

- 1.The District Collector,
Collectorate, Madurai – 625 020.
- 2.The Revenue Divisional Officer,
Usilampatti, Usilampatti Town,
Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk, Madurai District.
- 4.The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.



WEB COPY



W.P(MD) No.21235 of 2022

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

pkn

W.P.(MD) No.21235 of 2022

13.09.2022