



W.P.(MD) No.21920 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

CORAM:

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

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K.Udayar

... Petitioner

-vs-

1.The District Collector
Sivaganga District
Sivagangai

2.The Tahsildar
Kalayarkovil Taluk
Kalayarkovil
Sivagangai District

3.The Block Development Officer
Kalayarkovil Panchayat Union
Sivagangai District

4.The President
Kollangudi Panchayat
Kalayarkovil Taluk
Sivagangai District

5.Muthusamy @ Pandi

6.Senthilkumar

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 herein to remove the encroachment made by respondents 5 to 6 and other unknown persons in Survey Nos.431/1, 432/1, 432/7, 433/1, 433/15, 434/1, 434/5, 435/1, 435/8, 436/1, 436/4, 437/8, 438/1, 439/8, 440/6, 441/7, 441/9, 442/2 and 443/1 of Keeranoor Village, Kollankudi Panchayat, Kalayarkovil Taluk, Sivagangai District, based on the resolution of the 4th respondent dated 31.08.2021.

For Petitioner : Mr.Kumaraguru.V.S.

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R2
Mr.S.P.Maharajan
Special Government Pleader for R3 & R4

ORDER

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

Mr.P.Thilakkumar, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 3 and 4.



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2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioners, notice to the private respondents is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 herein to remove the encroachments made by respondents 5 and 6 and other unknown persons in the lands comprised in Survey Nos.431/1, 432/1, 432/7, 433/1, 433/15, 434/1, 434/5, 435/1, 435/8, 436/1, 436/4, 437/8, 438/1, 439/8, 440/6, 441/7, 441/9, 442/2 and 443/1 of Keeranoor Village, Kollankudi Panchayat, Kalayarkovil Taluk, Sivagangai District, based on the resolution of the fourth respondent dated 31.08.2021.

5. According to the petitioner, the respondents 5 and 6 and other unknown persons have encroached the lands comprised in Survey Nos.431/1, 432/1, 432/7, 433/1, 433/15, 434/1, 434/5, 435/1, 435/8, 436/1, 436/4, 437/8, 438/1, 439/8, 440/6, 441/7, 441/9, 442/2 and 443/1 of Keeranoor



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Village, which is classified pathway in the revenue records and thereby, caused hindrance to the villagers. Therefore, the petitioner and other villagers made a representation seeking to remove the encroachments made by the respondents 5 and 6 to the fourth respondent on 10.06.2021 and based on the said representation, the fourth respondent – Panchayat President passed a resolution on 31.08.2021 stating that the alleged encroachments are to be removed by the revenue officials. Despite the same, the encroachments have not been removed and hence, the present writ petition has been filed.

6. The learned Government Pleader appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the respondents 3 and 4 submitted that if a direction is given to the Authorities concerned, necessary action will be taken .

7. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 3 are directed to consider the petitioner's representation dated 10.06.2021 and the resolution dated 31.08.2021 passed by the fourth respondent – Panchayat President and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the parties concerned, within a period of eight (8) weeks from the



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date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the respondents 1 to 3, who should pass orders depending upon the facts and circumstances of the case.

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

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

16.09.2022

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
Sivaganga District,
Sivagangai.

2.The Tahsildar,
Kalayarkovil Taluk,
Kalayarkovil,
Sivagangai District.



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3.The Block Development Officer,
Kalayarkovil Panchayat Union,
Sivagangai District.

4.The President,
Kollangudi Panchayat,
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