



W.P.(MD)No.22006 of 2022

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**

W.P(MD)No.22006 of 2022

P.Periyasamy

... Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

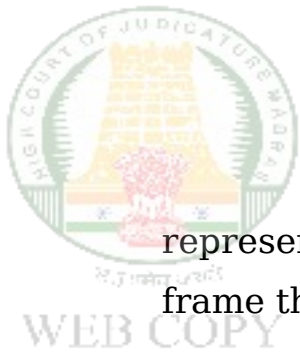
2.The Revenue Divisional Officer,
Aranthanki,
Pudukottai District.

3.Block Development Officer,
(Village Panchayat),
Aranthanki,
Pudukottai District.

4.The Tahsildar,
Aranthanki,
Pudukottai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment made on Government Public pathway in Survey No. 185/1 of Rethinakottai Village, Aranthanki Taluk, Pudukottai District by considering the



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representation of the petitioner dated 25.10.2021 within a time frame that may be fixed by this Honble Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents 1, 2 & 4 : Mr.S.P.Maharajan
Special Government Pleader

For 3rd Respondent : Mr.V.Nirmal Kumar
Government Advocate

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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 respondents 1 and 2 to remove the encroachment made on Government Public pathway in Survey No. 185/1 of Rethinakottai Village, Aranthanki Taluk, Pudukottai District by considering the representation of the petitioner dated 25.10.2021 within a time frame.

2. Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Government Pleader appearing for respondents 1 and 2 and Mr.V.Nirmal Kumar, learned Government Advocate appearing for the third respondent. By



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consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Pointing out that the Government Public Pathway in Survey No. 185/1 of Rethinakottai Village, Aranthanki Taluk, Pudukottai District is encroached by many persons, the petitioner submitted a representation to the respondents dated 11.05.2019, followed by representations dated 28.06.2019 and 25.10.2021, based on which the Block Development Officer - 3rd respondent sent a communication to the Tahsildar - fourth respondent in Na.Ka.No. 1259/2021/Thi3, dated 11.11.2021, to fix another date for conducting survey for removal of encroachment and the same, according to learned counsel for the petitioner, is not acted upon.

4. Considering the fact that there is encroachment in the Government Public Pathway in Survey No. 185/1 of Rethinakottai Village, Aranthanki Taluk, Pudukottai District, this Writ Petition is disposed of with a direction to the fourth respondent to issue notice and conduct survey in the presence of the petitioner and the encroachers and take necessary action for removal of encroachment on the Government Public pathway in Survey No.



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185/1 of Rethinakottai Village, Aranthanki Taluk, Pudukottai

District after affording opportunity of hearing to all 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.]
16.09.2022

Internet : Yes / No

Index : Yes / No

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To

- 1.The District Collector,
Pudukottai,
Pudukottai District.
- 2.The Revenue Divisional Officer,
Aranthanki,
Pudukottai District.
- 3.Block Development Officer,
(Village Panchayat),
Aranthanki,
Pudukottai District.
- 4.The Tahsildar,
Aranthanki,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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