



W.P.(MD) No.22131 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22131 of 2022

V.Balakrishnan

... Petitioner

-Vs-

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Vadipatti Taluk, Madurai District.
- 3.The Block Development Officer (Village Panchayat),
Village Panchayat Union, Vadipatti,
Madurai District.



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4.The President,
Karupatti Village Panchayat,
Vadipatti Taluk, Madurai District.

5.Muthukrishnan

6.Packiyam ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action to remove the encroachment made by the respondents 5 and 6 in public cart track in S.No.46 of Karupatti Village, Vadipatti Taluk, Madurai District within the time fixed by this Court by considering the petitioner's representation dated 21.05.2022.

For Petitioner : Mr.K.K.Udayakumar

For R1 & R2 : Mr.V.Nirmal Kumar,
Government Advocate

ORDER

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

The prayer sought for in the Writ Petition is to direct the respondents 1 to 4 to take appropriate action to remove the encroachment made by the



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respondents 5 and 6 in the public cart track in S.No.46 of Karupatti Village, Vadipatti Taluk, Madurai District, within a time frame, by considering the petitioner's representation dated 21.05.2022.

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

3.Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed, notice to the respondents 3 to 6 is dispensed with.

4.The case of the petitioner is that the petitioner owns agricultural lands in S.Nos.283/2A, 283/5A and 283/2B at the abovesaid village and he is using the cart track pathway in S.No.46 to reach his agricultural fields. As per the revenue records, S.No.46 is classified as 'Cart Track'. Since the respondents 5 and 6 have encroached the said pathway, the predecessor in title of the petitioner, namely, Ramesh sent a representation dated 28.09.2021 to the 2nd



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respondent to remove the said encroachment. Pursuant thereto, a survey was conducted wherein, encroachments were identified in S.Nos.46 and 403/4 of Karupatti Village. Hence, the 2nd respondent, by proceedings dated 20.10.2021, directed the 3rd respondent to remove the encroachments and also directed the 4th respondent through his proceedings dated 25.10.2021 to take action as per the Panchayat Act, 1994 and to remove the encroachment. In compliance of the same, the 4th respondent by proceedings dated 17.12.2021 directed the respondents 5 and 6 to remove the encroachments, within 15 days. Since the respondents 5 and 6 did not remove the encroachment, the petitioner made a representation dated 21.05.2022 to the respondents 1 to 4. However, the same has not been considered so far. Hence, the petitioner has filed this Writ Petition.

5.Heard the learned Government Advocate appearing for the respondents 1 and 2, who submitted that the representation of the petitioner dated 21.05.2022 will be disposed of in accordance with law and if there is any encroachment, the same will be removed by following due process of law.



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6. In view of the abovesaid submission, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioner, dated 21.05.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment, the same shall be removed after giving notice and opportunity of hearing to all the parties concerned by following due process of law. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

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

20.09.2022

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,
Madurai District, Madurai.



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2.The Tahsildar,
Vadipatti Taluk, Madurai District.

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