



W.P.(MD)No.22369 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2022

WEB COPY

CORAM

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

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Uthirapathi

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.
- 3.The Block Development Officer,
Orathanadu,
Thanjavur District.
- 4.The President,
Kannukudi West Village Panchayat,
Orathanadu Taluk,
Thanjavur District.

5.Ayyappan

6. Anjalai

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 on



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the road margin and drainage system comprised in Survey No. 53/18C, 53/20B and 53/37 situated at Vallaiyar Street, Kannukudi West Village, Orathanadu Taluk, Thanjavur District by considering the representation dated 11.10.2021.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents 1 & 2	: Mr.P.Thilak Kumar Government Pleader
For 3 rd Respondent	: Mr.G.V.Vairam Santhosh Standing Counsel

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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 the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 on the road margin and the drainage system comprised in Survey Nos. 53/18C, 53/20B and 53/37 situated at Vallaiyar Street, Kannukudi West Village, Orathanadu Taluk, Thanjavur District by considering the petitioner's representation dated 11.10.2021.

2. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader



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appearing for respondents 1 and 2 and Mr.G.V.Vairam Santhosh, learned Standing Counsel for the 3rd respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 to 6 is dispensed with.

4. Pointing out that the respondents 5 and 6 have encroached the road margin and drainage system in Survey Nos. 53/18C, 53/20B and 53/37 situated at Vallaiyar Street, Kannukudi West Village, Orathanadu Taluk, Thanjavur District, by putting up structures, the petitioner submitted a representation to the respondents 1, 2 & 4 on 11.10.2021. The District Collector - 1st respondent forwarded the said representation to the Tahsildar - 2nd respondent and the second respondent vide his proceedings in Na.Ka.No.9947/2021/Aa4 dated 29.01.2022, informed the Block Development Officer - third respondent that he conducted survey and measurement of the said survey numbers, which revealed that the respondents 5 & 6 have made encroachments and requested the



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third respondent to fix a date for removal of encroachment, pursuant to which, the third respondent passed an order in Na.Ka.No.473/2022/Aa2, dated 09.02.2022, fixing the date by 15.02.2022 and sent a communication to the President, Kannukudi West Village Panchayat – the fourth respondent and the fourth respondent vide his proceedings in Na.Ka.No.473/2022/Aa2 dated 23.02.2022, directed the respondents 5 and 6 to remove the encroachments by themselves and thereafter, there is no progress in the action of the respondents 2 to 4. The said facts are not disputed by the learned counsel appearing for the official respondents.

5. Considering the fact that the second respondent has conducted survey and identified the encroachments made by the respondents 5 and 6, we are of the view that respondents 2 to 4 have to take necessary action for removal of the encroachments. Accordingly, the respondents 2 to 4 are directed to remove the encroachments made over the road margin and drainage system in Survey Nos.53/18C, 53/20B and 53/37 situated at Vallaiyar Street, Kannukudi West Village, Orathanadu Taluk, Thanjavur District, after affording an opportunity of hearing to the respondents 5 and 6 and



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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.

6. With the above directions, the Writ Petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]
22.09.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
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Thanjavur.
- 2.The Tahsildar,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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