



W.P(MD)No.16828 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

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

W.P(MD)No.16828 of 2018

Veeramani

... Petitioner

VS.

1. The District Collector,
Dindigul District.
2. The Tahsildar,
Aathur Taluk,
Dindigul District.
3. The Executive Officer,
Sithayankottai Panchayat,
Dindigul District.
4. Alagammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the 4th respondent in the public pathway and drain situated in the



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government poramboke land comprised in S.No.714/15, Bodikamanvaadi Village, Aathur Taluk, Dindigul District, within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Rajamohan
For R1 & R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R4 : Mr.T.Lajapathi Roy

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the public pathway and drainage situated in the government poramboke land comprised in S.No.714/15, Bodikamanvaadi Village, Aathur Taluk, Dindigul District, within a time frame that may be fixed by this Court.

2. Learned counsel for the petitioner submitted that the petitioner is residing in her house property at S.Nos.714/13 and 714/14 and on the eastern side of her house property, there is a



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public pathway and drainage in S.No.714/15. The 4th respondent encroaching S.No.714/15 constructed temporary sheds by fencing it thereby preventing the usage of the said public pathway by the general public. In this regard, though the petitioner made representations on 05.02.2018, 05.03.2018 and 19.07.2018, till date, the encroachment made by the 4th respondent is not removed by the authorities concerned. Hence, this writ petition.

3. A counter affidavit is filed by the 4th respondent. Learned counsel appearing for the 4th respondent submitted that the father-in-law of the 4th respondent originally occupied S.No.714/15 and the 4th respondent is in possession of the subject land for about 50 years and the said survey number has been classified as grama natham, as such, question of encroachment does not arise and therefore, the writ petition is liable to be dismissed.

4. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the respondents 1 and 2 will



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consider and dispose of the petitioner's representation dated 19.07.2018 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question, by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

5. Recording the above submissions, the respondents 1 and 2 are directed to consider and dispose of the representation of the petitioner dated 19.07.2018 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachment, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
18.11.2022

Index : Yes / No
Internet : Yes
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To

1. The District Collector,
District Collectorate,
Trichy District.
2. The Revenue Divisional Officer,
Lalkudi,
Trichy District.
3. The Thasildar,
Lalkudi,
Trichy District.
4. The Block Development Officer,
Pullambadi,
Lalkudi Taluk,
Trichy District.



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and
J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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DATED : 18.11.2022