



W.P(MD) No.21710 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM:

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

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P.Kamaraj

... Petitioner

-VS-

1. The District Collector,
Karur District.

2. The Revenue Divisional Officer,
Kulithalai, Karur District.

3. The Tahsildar,
Kadavur Taluk at Tharagampatti,
Karur District.

4. Varathappan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachment made by the fourth respondent in Survey No. 156/2, classified as Nilaviyal Pathai (Boosthi Pathai) situated at Edayapatti (Melpagam) Village, Kadavur Taluk, Karur District, by



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considering petitioner representation dated 15.11.2021, within a time stipulated by this Honourable Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
for R1 to R3
Mr.AN.Ramanathan for R4

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Survey No.156/2, classified as Nilaviyal Pathai (Boosthi Pathai), at Edayapatti (Melpagam) Village, Kadavur Taluk, Karur District, by considering the petitioner's representation dated 15.11.2021, within a time frame.

2. Heard Mr.D.Nallathambi, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 3 and Mr.AN.Ramanathan, learned counsel appearing for the fourth respondent.



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3. Pointing out that the fourth respondent has encroached the public pathway in Survey No.156/2, classified as 'Nilaviyal Pathai (Boosthi Pathai)', at Edayapatti (Melpagam) Village, Kadavur Taluk, Karur District, by putting up a fence and thereby trying to convert the character of the said land, the petitioner submitted a representation dated 05.11.2021, to the official respondents and the same, according to learned counsel for the petitioner, is unattended.

4. In reply, the learned Government Pleader appearing for the respondents 1 to 3 submitted that the land in question is nothing but the Government Tharisu land and that there is no encroachment as alleged by the petitioner.

5. The aforesaid submission is refuted by the learned counsel for the petitioner stating that still there are encroachments in the aforesaid land. However, he submitted that it is suffice if a direction is issued to the respondents 1 to 3, to consider and dispose of the representation of the petitioner dated 05.11.2021, on merits and in accordance with law, within a time frame.



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6. Recording the aforesaid submissions, this writ petition is disposed of directing the respondents 1 to 3 to survey the land in question, demarcate its extent and also the extent of encroachment and then remove the encroachment if any therein, 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 eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
07.11.2022

Index : Yes / No
Internet : Yes / No
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