



W.P.(MD)No.22192 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.10.2022

CORAM

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

W.P.(MD)No.22192 of 2018

Mangammal

... Petitioner

Vs.

1. The District Collector,
Thiruvengadam Taluk, Thiruvengadam,
Tirunelveli District.

2. The Thasildar,
Thiruvengadam Taluk, Thiruvengadam,
Tirunelveli District.

3. Block Development Officer,
Kuruvikulam Panchayat Union,
Kuruvikulam, Tirunelveli District.

4. The Executive Officer,
Thiruvengadam Town Panchayat,
Thiruvengadam, Tirunelveli District.

5. Gopalsamy

6. Subburaj

7. Seethalakshmi

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents No.1 to 4 to remove the encroachments made by the 5th to 7 th respondents in Public Street belonging to the 4th respondent in Survey No.1459 / 49 in Thiruvengadam town panchayat, Thiruvengadam Taluk, Tirunelveli District.

For Petitioner : Mr.K.K.Kannan

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

For Respondent No.4 : Mr.M.Karuppasamy

For Respondents 6 & 7 : Mr.P.Subbaraj

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 encroachments made by the respondents 5 to 7 in the public street in Survey No.1459/49, in Thiruvengadam Town Panchayat, Thiruvengadam Taluk, Tirunelveli District.

2. Heard Mr.K.K.Kannan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, appearing for the respondents 1 to 3; Mr.M.Karuppasamy, learned counsel appearing for the fourth respondent and Mr.P.Subbaraj, learned counsel appearing for the respondents 6 and 7.



W.P.(MD)No.22192 of 2018

WEB COPY

3. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 3 has brought to the notice of this Court to paragraph 4 of the counter-affidavit filed by the fourth respondent which is extracted below:-

“It is respectfully submitted on receiving the representation from the Petitioner herein dated 23.09.2018, the assistance of the Tahsildar, Thiruvengadam was sought to identify the encroachment for vide Roc. No. 138/2018 dated 26.11.2018 on the file of the 4th respondent. A joint inspection of the area was organized. The Taluk Surveyor with Revenue Inspector and Village Administrative Officer visited the village on 06.12.2018 along with the respondent. Entire area perambulated in the presence of the villagers. It was found that the family of the deceased 5th respondent had encroached upon an extent of 1.18 Sq.meters in S.No. 1459/49 classified as 'Govt. Poromboke' 'road' in the revenue records by way of construction of toilet. Hence it is proposed to issue notice under section under Section 181(2) of the Tamil Nadu Municipalities Act to the encroacher and the encroachment made by them is proposed to be evicted by due process of law. The encroachers have also adequate alternative remedy of approaching the competent authorities in terms of the above said G.O. Ms. No. 540 Revenue Department dated 04.12.2014.”



W.P.(MD)No.22192 of 2018

WEB COPY

4. The aforesaid submission of the learned Government Pleader appearing for the respondents 1 to 3 is not stoutly refuted by the learned counsel for the petitioner.

5. Recording the said submission of the learned Government Advocate appearing for the respondents 1 to 3, this Writ Petition is disposed of with a direction to the authorities concerned, to take necessary action for removal of encroachments in the public street in Survey No.1459/49, in Thiruvengadam Town Panchayat, Thiruvengadam Taluk, Tirunelveli District, after affording an opportunity of hearing to the petitioner, respondents 5 to 7 and all other 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.]
18.10.2022

Internet : Yes/No
Index : Yes / No
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