



W.P.(MD)No.25693 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

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

W.P(MD)No.25693 of 2022

Muneeswaran

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.
- 3.The Block Development Officer,
Sattur,
Virudhunagar District.
- 4.The Tahsildar,
Sattur Taluk,
Virudhunagar District.
- 5.The Commissioner,
Sattur Panchayat Union,
Sattur,
Virudhunagar District.
- 6.The President,
Kathalampatti Village Panchayat,
Kathalampatti, Sattur Taluk,
Virudhunagar District.



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7.R.Mariappan

8.K.Kuttiraja

9.Karuppasamy @ Kokki

10.Manoharan

11.Govindan @ Alappansatti

12.Palchamy

... 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 6 herein to remove the illegal encroachment made in S.Nos.93/7, 149/23, 149/34, 149/62 and 270/34 made in public road proceeding from Anaikaraipatti Village, Via - Kathalampatti, Ammapatti towards Irukkankudi Main Road by implementing the order passed by the 4th Respondent in Na.Ka.No.A3/113/2020 dated 26.12.2020 within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Saravanakumar

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For Respondents 3 & 6 : Mr.V.Nirmal Kumar
Government Advocate

* * *

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



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6 herein to remove the illegal encroachment made in the public road proceeding from Anaikaraipatti Village, Via - Kathalampatti, Ammapatti towards Irukkankudi Main Road, in S.Nos.93/7, 149/23, 149/34, 149/62 and 270/34, Anaikaraipatti Village, Sattur Taluk, by implementing the order passed by the 4th Respondent in Na.Ka.No.A3/113/2020 dated 26.12.2020, within a time frame.

2. Heard Mr.P.Saravanakumar, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1, 2 and 4 and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 3 and 6. 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 5, 7 to 12 is dispensed with.

4. Alleging that the respondents 7 to 12 and others encroached the public road in S.Nos.93/7, 149/23, 149/34, 149/62



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and 270/34, Anaikaraipatti Village, Sattur Taluk, by erecting staircases, bathroom, car shed, iron fencing and houses and thereby preventing the free-flow of vehicular movement, the petitioner submitted a representation dated 26.11.2020, to the respondents 1 to 6 and based on the same, the 3rd respondent vide his proceedings in Na.Ka.No.B7/369/2020, dated 07.12.2020, requested the 4th respondent to survey the said survey numbers and pursuant to the same, the 4th respondent conducted a detailed survey and confirmed the encroachments made by the private respondents and directed the 5th respondent – Commissioner, Rural Development Department, Sattur to initiate appropriate action for removal of the encroachment vide his proceedings in Na.Ka.No.A3/113/2020, dated 26.12.2020. However, no further action has been taken by the 5th respondent for removing the encroachment. Hence, the Writ Petition.

5. The learned Government Advocate appearing for the respondents 3 and 6, by referring to the communication of the 4th respondent – Tahsildar, addressed to the 5th respondent – Commissioner, Rural Development Department, Sattur, in Na.Ka.No.A3/113/2020, dated 26.12.2020, and also the statement in



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Form – I submitted that necessary action would be taken for removal of the encroachment as projected by the petitioner within a period of 12 weeks.

6. Recording the same, the Writ Petition stands closed with a direction to the respondents 3 to 6 to remove the encroachment in S.Nos.93/7, 149/23, 149/34, 149/62 and 270/34, Anaikaraipatti Village, Sattur Taluk, after affording an opportunity of hearing to the petitioner, respondents 7 to 12 and any other parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
14.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

- 3.The Block Development Officer,
Sattur,
Virudhunagar District.
- 4.The Tahsildar,
Sattur Taluk,
Virudhunagar District.
- 5.The Commissioner,
Sattur Panchayat Union,
Sattur,
Virudhunagar District.
- 6.The President,
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