



W.P.(MD) No.24599 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.24599 of 2022

Ganesan

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Thiruchuli Taluk,
Thiruchuli, Virudhunagar District.
- 3.The Village Administrative Officer,
Veeracholan, Thiruchuli Taluk,
Virudhunagar District.
- 4.The Panchayat President,
Veeracholan Panchayat,
Veeracholan, Thiruchuli Taluk,
Virudhunagar District.



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... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 5th respondent in S.No.368/10 classified as street at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District within a time frame stipulated by this Honble Court.

For Petitioner : Mr.T.Balaji

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R4

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.V.Nirmal Kumar, learned Government Advocate takes notice for respondents 1 to 4. In view of the nature of the order proposed to be passed, notice to the fifth respondent is dispensed with.

2. 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 5th



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respondent in S.No.368/10, situated at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District, within a time frame.

3. It is the case of the petitioner that he is a resident of Veeracholan Village and the aforesaid survey number has been classified as a public street in the revenue records and the fifth respondent has encroached a portion of the public street. When the same was objected to by the villagers, she filed a suit in O.S.No.310 of 2005, on the file of the District Munsif Court, Aruppukottai for a declaration and permanent injunction in respect of the aforesaid survey number against the petitioner and others, which was dismissed by the trial Court by judgment and decree dated 17.09.2018. As against the same, the appeal filed by the fifth respondent in A.S.No.5 of 2019 was also dismissed. Even thereafter, she had not removed the aforesaid encroachment. In this regard, the petitioner made a representation on 05.08.2022, to the official respondents seeking removal of the aforesaid encroachment, but, till date, no action has been taken by the respondents to remove the encroachment. Hence, the petitioner has filed this Writ Petition.



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4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the representation of the petitioner dated 05.08.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question, for which, the learned counsel for the petitioner is agreeable.

5. Recording the above submission, this Writ Petition is disposed of with a direction to the official respondents to consider and dispose of the representation of the petitioner dated 05.08.2022, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, 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 (8) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.]

[J.S.N.P., J.]



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To

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