



W.P.(MD) No.24689 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

CORAM:

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

W.P.(MD) No.24689 of 2022

Ramasubbu

... Petitioner

-vs-

1.The District Collector
Virudhunagar District

2.The Revenue Divisional Officer
Sivakasi, Virudhunagar

3.The Executive Officer
Sethur Municipality
Sethur, Virudhunagar District

4.The Tahsildar
Rajapalayam
Virudhunagar District

5.Piramu

6.Pandian

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to take appropriate action to remove the encroachment made by the respondents 5 and 6 in S.F.No.395, comprised in Pannai Kinaru Theru, Sethur Municipality, Rajapalayam Taluk, Virudhunagar District and restore the public pathway to its original position upto the width of 45 feet.

For Petitioner : Mr.Ganapathi Subramanian.P.

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader , takes notice for the respondents 1 to 4.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the private respondents is dispensed with.



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3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to take appropriate action to remove the encroachments made by the respondents 5 and 6 in the pathway *viz.* Pannai Kinaru Theru, in S.F.No.395 of Sethur Municipality, Rajapalayam Taluk, Virudhunagar District and to restore the said public pathway in its original position having the width of 45 feet.

5. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that based on the petitioner's representation dated 29.08.2022, the Firka Surveyor, Sethur, conducted a survey in the subject pathway and found that there are some encroachments, as projected by the petitioner and necessary steps would be taken to remove those encroachments by the third respondent, by due process of law, expeditiously and to that effect, he has also produced a copy of the proceedings of the Revenue Tahsildar, Rajapalayam, in Na.Ka.A6/1/2022, dated Nil.10.2022, wherein, the



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name of encroachers as well as the extent and the classification of encroachments have been described in detail.

6. Recording the above submission of the learned Special Government Pleader, the authority concerned is directed to remove the encroachments as described in the aforesaid proceedings of the Revenue Tahsildar, Rajapalayam, dated Nil.10.2022, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No
Internet : Yes / No

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