



W.P(MD)No.19119 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

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

W.P(MD)No.19119 of 2018

Ramaraj

... Petitioner

VS.

1. The District Collector,
District Collectorate,
Trichy District.
2. The Revenue Divisional Officer,
Lalkudi, Trichy District.
3. The Thasildar,
Lalkudi,
Trichy District.
4. The Block Development Officer,
Pullambadi, Lalkudi Taluk,
Trichy District.
5. Mr.Patchamuthu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing

1/6



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the respondents 1 to 4 to remove the illegal encroachment made by the 5th respondent in Survey No.654/24 in Neikulam Village, Nedungoor Post, Lalkudi Taluk, Trichy District within the time prescribed by this Court.

For Petitioner	: Mr.R.Venkatesan
For R1 to R3	: Mr.S.P.Maharajan Special Government Pleader
For R4	: Mr.B.Bhagawathi
For R5	: Ms.K.Pandi Priya

ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment made by the 5th respondent in Survey No.654/24 in Neikulam Village, Nedungoor Post, Lalkudi Taluk, Trichy District, within a time frame to be fixed by this Court.

2. Learned counsel for the petitioner submitted that the petitioner is residing in Survey No.654/24 in No.89, Neikulam Village



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Natham and he is using the customary pathway situated in a Government poramboke land in the said survey number, to reach his house. The 5th respondent encroaching the said customary pathway, put up iron fencing and constructed septic tank preventing the petitioner's access to the customary pathway to reach his property. The petitioner also applied under the Right to Information Act and obtained information to the effect that in Survey No.654/24, there is a public pathway. Hence, he made a representation dated 30.07.2018 to the respondents 1 to 3, to remove the encroachment made by the 5th respondent and finding no heed to it was paid, the petitioner has filed this writ petition.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the respondents 1 to 3 will consider and dispose of the petitioner's representation dated 30.07.2018 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.



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4. Recording the above submissions, the respondents 1 to 3 are directed to consider and dispose of the representation of the petitioner dated 30.07.2018 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, 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 twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of.

No costs.

Index : Yes / No
Internet : Yes
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[R.M.D.,J.] & [J.S.N.P.,J.]
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and
J.SATHYA NARAYANA PRASAD, J.

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ORDER MADE IN
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DATED : 18.11.2022