



W.P(MD)No.19280 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

CORAM:

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

W.P(MD)No.19280 of 2018

A.Thangaraj

... Petitioner

VS.

1. The District Collector,
Thanjavur District, Thanjavur.

2. The District Collector,
District Office,
Kumbakonam,
Thanjavur District.

3. The Tahsildar,
Kumbakonam,
Thanjavur District.

4. V.Mohan Kumar

5. M.Masilamani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 & 3 to cancel the patta issued in the common pathway in Survey No.25/26 and subsequently direct the respondents 1 & 3 to remove the encroachment in Survey Nos.25, 26, 9A at Sundaraj Vanniyanagar,

1/4



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WEB COPY Melachathiram Village, Kumbakonam Taluk, Tanjavur District, based on the representations dated 13.04.2018, 30.05.2018.

For Petitioner : Mr.A.Thangaraj(party-in-person)
For R1 to R3 : Mr.P.Thilakkumar, Government Pleader
For R4 & R5 : Mr.S.I.Muthiah

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 & 3 to cancel the patta issued in the common pathway in Survey No.25/26 and subsequently direct the respondents 1 & 3 to remove the encroachment in Survey Nos.25, 26, 9A at Sundaraj Vanniyanagar, Melachathiram Village, Kumbakonam Taluk, Tanjavur District, based on the representations dated 13.04.2018, 30.05.2018.

2.Seeking for removal of encroachment, the petitioner made a representation, dated 30.05.2018 before the respondents 1 to 3. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.



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3.Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the property in question is not a common pathway as alleged by the petitioner, whereas, it is a private property of the individual and therefore, there is no encroachment as projected by the petitioner.

4.Recording the said submission, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
19.09.2022

Index : Yes / No
Internet : Yes
ps

To

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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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