



W.P(MD)No.24723 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

CORAM:

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

W.P(MD)No.24723 of 2022

Thangapandi

... Petitioner

VS.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi Division,
Paramakudi,
Ramanathapuram.
- 3.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.
- 4.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.
- 5.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.



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6.The Inspector of Police,
Emaneshwaram Police Station,
Paramakudi,
Ramanathapuram District.

7.Lakshmanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made by the seventh respondent in Survey No. 270/2 common pathway in Silone Colony, Emaneshwaram Village, Paramakudi Taluk, Ramanathapuram District with adequate police protection of the respondents 5 and 6 within the period stipulated by this Court.

For petitioner	: Mr.K.Yasar Arapath
For RR 1 to 3	: Mr.S.P.Maharajan Government Pleader
For R – 4	: Mr.M.Kannan
For RR 5 & 6	: Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made by the seventh respondent in the common pathway in Survey No.270/2, Silone



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2. The learned counsel appearing for the petitioner submitted that earlier, the petitioner submitted a petition to the Chief Minister's Special Cell seeking removal of the aforesaid encroachment. Pursuant thereto, the fourth respondent vide proceedings in Na.Ka.981/2022/A5, dated 07.06.2022, directed the third respondent to remove the encroachment. Further, the third respondent vide proceedings in Na.Ka.No.A3/10545/2021, dated 12.07.2022, directed the Zonal Deputy Tahsildar to remove the aforesaid encroachment. On 15.07.2022, when the authorities concerned attempted to remove the encroachment, the seventh respondent created law and order problem and therefore, the said encroachment had not been removed. Hence, the petitioner made another representation, dated 09.10.2022 to the official respondents seeking removal of the encroachment in the aforesaid survey number with police protection. However, till date, the same has not been considered so far. Hence, this Writ Petition.



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3. The learned Special Government Pleader appearing for the respondents 1 to 6, on instructions, submitted that the encroachments pointed out in the aforesaid proceedings of the third respondent will be removed by due process of law, within a time frame.

4. Recording the abovesaid submission, this Writ Petition is disposed of with a direction to the authorities concerned to remove the encroachments in the place in question, 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. No costs.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
31.10.2022



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