



**W.P.(MD) No.8301 of 2016**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.8301 of 2016**

P.Ganesan

... Petitioner

-VS-

1.The District Collector  
Madurai, Madurai District

2.The District Revenue Officer  
Madurai, Madurai District

3.The Revenue Divisional Officer  
Usilampatty, Madurai District

4.The Tahsildar  
Usilampatty Taluk  
Madurai District

5.The President / Executive Officer  
Kannanur Village Panchayat  
Madurai District

6.Rajendran

7.Kasinathan

8.Perumal

... Respondents

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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to direct the respondents 3 and 4 to remove the encroachments and protect the public pathway, water output canal in Natham Survey No.153/1B of Kannanur Village, Usilampatty Taluk, Madurai District, based on the petitioner's representation dated 12.10.2015.

For Petitioner : Mr.Na.Palaniyandi

For Respondents : Mr.V.Nirmal Kumar  
Government Advocate for R1 to R4  
Mr.R.Anandharaj for R5  
Mr.J.Baradhan for R6 to R8

**ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

The prayer in this writ petition is for issuance of a writ of mandamus directing the first respondent to direct the respondents 3 and 4 to remove the encroachments and protect the public pathway, water output canal in Natham Survey No.153/1B of Kannanur Village, Usilampatty Taluk, Madurai District, based on the petitioner's representation dated 12.10.2015.



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**2.** Learned counsel appearing for the respondents 6 to 8 submitted that the private respondents are residing in the subject land from time immemorial and therefore, the official respondents have no legal right to remove them from the subject land.

**3.** Learned Government Advocate appearing for the respondents 1 to 4, on instructions, submitted that based on the report dated 23.09.2022 of the Village Administrative Officer, Kannanur Village, recommending to conduct a survey in the subject land, the fourth respondent has sent a communication *vide* proceedings in Na.Ka.Aa2/717/2022, dated 23.09.2022, to the Block Development Officer, Chellampatty; Sub Inspector of Police, Chekkanoorani; Zonal Deputy Tahsildar, Chellampatty; Revenue Inspector / Firka Surveyor, Karumathur and Village Administrative Officer, Kannanur, directing them to be present in the subject land on 30.09.2022 at 10.30 a.m., for survey. However, on account of law and order problem, survey could not be conducted and it is postponed.

**4.** In view of the above position, the authority concerned is directed to conduct a survey in the subject land, after giving due notice and sufficient opportunity to all the parties concerned and pass appropriate orders



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on merits and in accordance with law, after considering the written submissions, if any, filed by any of the aggrieved persons. 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 directions, the writ petition is disposed of. No costs.

**[D.K.K., J.]**

**[R.V., J.]**

**12.12.2022**

Index : Yes / No  
Internet : Yes / No

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**D.KRISHNAKUMAR, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

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**12.12.2022**