



W.P.(MD) No.24947 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

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Guru Iyyanar

... Petitioner

-VS-

- 1.The District Collector,
Collectorate Office,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Collectorate Office,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Tahsildar Office,
Karaikudi.
- 5.The President,
Thalakavur Panchayat,



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Managiri,
Sivagangai District.

6.The Block Development Officer,
Thallakavur Village Panchayat,
Kallal Panchayat Union,
Sivagangai District.

7.Subbaiah

8.Mariappan

9. Ramalingam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent Nos.1 to 4 to remove the encroachment made by the 6th to 9th respondents herein in the land classified as "Public Pathway" as per revenue records in old Survey Number 104/2B, converted as new survey subdivision survey number 391/2 at Managiri Sukanendhal Thenandal Nagar, Karaikudi Taluk, Sivagangai District, and consequently directing the respondent Nos.1 to 4 to make necessary arrangements by restoring it to its original position for using that public pathway for public use based on the petitioner's representation dated 28.09.2022.

For Petitioner : Ms.A.Banumathy

For Respondents : Mr.N.GA.Natraj,
Government Advocate
for R.1 to R4 and R.6



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ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

The petitioner, namely, Guru Ayyanar, aged about 75 years, S/o.Gurusamy, has brought this Writ Petition for issuance of a Writ of Mandamus under Article 226 of the Constitution of India, to direct the respondents 1 to 4 to remove the encroachment made by the respondents 6 to 9 from the land covered in S.No.104/2B, which is classified as public pathway as per the revenue records.

2. Heard Ms.A.Banumathy, learned counsel for the petitioner and Mr.N.GA.Natraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4 and 6. By consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 5 and 7 to 9 are dispensed with.



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4. Mr.N.GA.Natraj, learned Government Advocate appearing for the respondents 1 to 4 and 6, urging this Court to dismiss the Writ Petition, submitted that a similar prayer was made in W.P.(MD)No. 24552 of 2022 by Sri Dabaas Residents' Welfare Rights Association, Rep. by its Secretary, S.Jeyabalan, to remove the encroachment made by the sixth respondent therein in the 20 feet Main Road, in S.No.104, situated at Thenandal Nagar, Managiri Village, Kallal Panchayat Union, Karaikudi Taluk, Sivagangai District. This Court, while disposing the said Writ Petition, by order dated 28.10.2022, directed the official respondents to consider the representation of the petitioner therein, dated 30.09.2022, on merits and in accordance with law with a further direction to remove the encroachment, if any. Since the order copy is made available only today, notice will be issued to all the parties concerned, intimating the date of survey. After conducting survey, if any encroachment is found, suitable action will be taken in accordance with law for removal of encroachment.



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5. Recording the same, the Writ Petition stands disposed of.

No costs.

[T.R., A.C.J.] [R.M.D., J.]
04.11.2022

Index : Yes / No

Internet : Yes / No

bala/smn2

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Sivagangai District.
- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
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and
R.MAHADEVAN, J.

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