



W.P.(MD)No.20140 of 2018

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.20140 of 2018

1.Ganesan

2.Patchai Muthu

3.Kumaraswamy

4.Kanniswamy

5.Thangarasu

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Ramanad,
Ramanathapuram District.

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanad,
Ramanathapuram District.

3.The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramnathapuram District.

4.Thiruvadanai Panchayat Union,
Rep by its Special Officer cum Block Development Officer,
Thiruvadanai Taluk,
Ramnathapuram District.



W.P.(MD)No.20140 of 2018

5.Kunjankulam Panchayat,
Rep. by its Executive Officer,
Thiruvadanai Taluk,
Ramnathapuram District.

6.The Taluk Surveyor,
Thiruvadanai Taluk,
Thiruvadanai,
Ramnathapuram District.

7.Velu

8.Rajendran

9.Saravanan

10.Chembaiah

11.Arumugam

12.Palani

13.Gandhi

14.Kannan

15.Palanisamy

16.Arumugam

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent Nos.1 to 5 herein to remove the illegal encroachments made by respondent Nos.7 to 16 herein after conducting field survey at Survey Numbers S.No.438, 466 and 468 at Thinaikathanvayal Village, Thiruvadanai Taluk, Ramanathapuram District within the time frame stipulated by this Hon'ble Court.



W.P.(MD)No.20140 of 2018

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For Petitioner : Mr.T.Lajapathi Roy
For Respondents 1, 3 & 6 : Mr.S.P.Maharajan
Special Government Pleader
For 2nd Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor
For 4th Respondent : Mr.S.Dhayalan
Standing Counsel
For Respondents 7, 9 & 10 : Mr.PT.S.Narendra Vasan
For Respondents 5, 8, 11 : No appearance
to 16

* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondent Nos. 1 to 5 herein to remove the illegal encroachments made by respondent Nos.7 to 16 herein after conducting field survey at S.No.438, 466 and 468 at Thinaikathanvayal Village, Thiruvadanai Taluk, Ramanathapuram District within a time frame.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1, 3 and 6, Mr.T.Senthil Kumar,



W.P.(MD)No.20140 of 2018

learned Additional Public Prosecutor appearing for the second respondent, Mr.S.Dhayalan, learned Standing Counsel appearing for the fourth respondent and Mr.PT.S.Narendra Vasan, learned counsel for the respondents 7, 9 and 10. Despite service of notice and their names appear in the cause list, there is no representation for the respondents 8, 11 to 16.

3. According to the learned counsel for the petitioner, pointing out that the respondents 7 and 16 and others have encroached upon the public road in Survey Numbers S.No.438, 466 and 468 at Thinaikathanvayal Village, Thiruvadanai Taluk, Ramanathapuram District, by erecting structures and buildings, the petitioner submitted a representation to the official respondents on 14.09.2017, followed by representations dated 18.12.2017, 26.08.2018 and 03.09.2019. He would further submit that pursuant to the same, survey was conducted by the official respondent and despite the survey nothing is moving on.

4. Learned counsel appearing for respondents 7, 9 and 10 refuted such allegations and submitted that the writ petition is bereft of particulars relating to some of the encroachers and



W.P.(MD)No.20140 of 2018

hence, the prayer in the writ petition cannot be considered for suppression of facts.

5. In order to give a quietus to the matter, the respondents 3 and 4 are directed to issue notice to the petitioner, respondents 7 to 16 and any other parties concerned and conduct survey in their presence and if there is any encroachment found in the public road in S.No.438, 466 and 468 at Thinaikathanvayal Village, Thiruvadanai Taluk, Ramanathapuram District, necessary action has to be taken by the authorities for removal of encroachment, after affording an opportunity of hearing to 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.

6. The Writ Petition stands disposed of with the above directions. No costs.

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

Internet : Yes / No
Index : Yes / No
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W.P.(MD)No.20140 of 2018

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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W.P(MD)No.20140 of 2018

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