



W.P.(MD) No.25205 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM:

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

W.P.(MD) No.25205 of 2022

P.Arumugam

... Petitioner

-vs-

- 1.The District Collector
Office of the Collectorate
Sivagangai
Sivagangai District
- 2.The Block Development Officer
Block Development Office
Ilayangudi, Sivagangai District
- 3.The Thasildar
Taluk Office
Ilayangudi
Sivagangai District
- 4.The President
A.Nedungulam Panchayat Union
A.Nedungulam
Ilayangudi Taluk
Sivagangai District
- 5.Selvaraj

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the fifth respondent in public pathway in S.No. 313/10 to an extent of 4.96 sq.meter in A.Nedungulam Village, Muliyaienthal Revenue Group, Ilayankudi Taluk, Sivagangai District.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 & R3
Mr.V.Nirmal Kumar
Government Advocate for R2 & R4

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the respondents 1 & 3 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 2 & 4.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the private respondent is dispensed with.



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3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the fifth respondent in the public pathway in Survey No.313/10, to an extent of 4.96 sq.meter, in A.Nedungulam Village, Muliyaienthal Revenue Group, Ilayankudi Taluk, Sivagangai District.

5. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 & 3 on instructions, submitted that based on the petitioner's representation dated 03.01.2022, the Taluk Head Surveyor, Ilayangudi, conducted a survey in the subject pathway 01.03.2022 and found that there is an encroachment by the fifth respondent, as projected by the petitioner and Form-I notice has been issued to him to remove the encroachment and to that effect, the learned Special Government Pleader has also produced a copy of the proceedings of the Tahsildar, Ilayangudi, in O.Mu.A1/4073/2021, dated 18.03.2022 and also a copy of Form-I notice, wherein, the name of encroacher as well as the extent



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and the classification of encroachment have been described in detail, before this Court.

6. Recording the above submission of the learned Special Government Pleader, the authority concerned is directed to remove the encroachment, as described in the aforesaid proceedings of the Tahsildar, Ilayangudi, dated 18.03.2022, 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.

7. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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