



W.P.(MD) No.26231 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM:

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

W.P.(MD) No.26231 of 2022

P.Seeni

... Petitioner

-vs-

1.The District Collector
Virudhunagar
Virudhunagar District

2.The Tahsildar
Thiruchuzhi Taluk
Virudhunagar District

3.The Block Development Officer
Narikudi Panchayat Union
Virudhunagar District

4.The Village Panchayat Union
Velanoorani Village
Virudhunagar District

5.Veeraiah

... Respondents



WEB COPY

W.P.(MD) No.26231 of 2022

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 encroachment made by the fifth respondent in Survey No.494/1, situated in Valayapatti, Velanoorani Village, Thiruchuzhi Taluk, Virudhunagar District.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.T.Veerakumar for R5

ORDER

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

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1 to R4 and Mr.T.Veerakumar, learned counsel, takes notice for the fifth respondent.

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



WEB COPY

W.P.(MD) No.26231 of 2022

3. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in Survey No.494/1, situated in Valayapatti, Velanoorani Village, Thiruchuzhi Taluk, Virudhunagar District.

4. According to the petitioner, the fifth respondent has made encroachment in the public pathway in Survey No.494/1 of Valayapatti, Velanoorani Village and on account of which, the general public are unable to use the pathway. Further, based on the representation submitted by the villagers ventilating the said encroachment, the second respondent *vide* order dated 16.09.2022 directed the third respondent to remove the encroachment. However, till date, the encroachment has not been removed. Hence, this writ petition.

5. The learned counsel appearing for the fifth respondent refuted the above allegations and according to him, there is no encroachment in the subject pathway, as alleged by the petitioner.



W.P.(MD) No.26231 of 2022

WEB COPY

6. The learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted there is an encroachment, as projected by the petitioner, in the subject pathway in the form of a wire fencing to an extent of 69 square meter, due to which, the ingress and egress of the general public get affected and the second respondent has also instructed the third respondent to remove the said encroachment and report back to him. To that effect, the learned Government Pleader has produced a communication of the second respondent addressed to him, dated 19.11.2022, before this Court. Thus, the learned Government Pleader submitted that the encroachment in the subject pathway would be removed, by following due process of law, as expeditiously as possible.

7. In view of the above, the second respondent is directed to conduct an inspection in the subject pathway and if necessary, to conduct a survey in the presence of all the parties concerned and if the survey reveals any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD) No.26231 of 2022

WEB COPY

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

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

21.11.2022

Index : Yes / No

Internet : Yes / No

krk

To:

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Tahsildar,
Thiruchuzhi Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
Narikudi Panchayat Union,
Virudhunagar District.
- 4.The Village Panchayat Union,
Velanoorani Village,
Virudhunagar District.



WEB COPY



W.P.(MD) No.26231 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

krk

W.P.(MD) No.26231 of 2022

21.11.2022