



W.P(MD)No.26045 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM:

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

W.P(MD)No.26045 of 2022

S.Karthik Kumar

... Petitioner

vs.

- 1.The District Collector,
Office of the District Collectorate,
Virudhunagar,
Virudhunagar District.
- 2.The Commissioner,
Virudhunagar Municipality,
Office of Virudhunagar Municipality,
Virudhunagar,
Virudhunagar District.
- 3.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Virudhunagar,
Virudhunagar District.
- 4.S.Dhanasekaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to remove the encroachments made in the lands gifted to it vide



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Doc Nos.7227 and 7234 of 2008 on the file of SRO, Virudhunagar Joint – II comprised in S.Nos.13/1A1B1, 13/1A1C1A, 13/1A1A, 13/1A1Bw, 13/1A1C1B & 13/1A2 situated in Survey Ward No.18, Block No.2, Virudhunagar Municipality, Virudhunagar District and consequently direct the second respondent to lay the road there at.

For Petitioner : Mr.S.I.Muthiah
For RR 1 to 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the second respondent to remove the encroachments made in the lands gifted to it vide Doc Nos.7227 and 7234 of 2008 on the file of SRO, Virudhunagar Joint – II comprised in S.Nos.13/1A1B1, 13/1A1C1A, 13/1A1A, 13/1A1Bw, 13/1A1C1B & 13/1A2 situated in Survey Ward No.18, Block No.2, Virudhunagar Municipality, Virudhunagar District and consequently direct the second respondent to lay a road thereon.

2.The learned counsel appearing for the petitioner submitted that though the portion of the land earmarked for road in the



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aforementioned survey numbers has been vested with the second respondent Municipality, the same has not been taken possession by the second respondent and the road is not laid so far. In the meantime, the fourth respondent, who has got no right, title or interest over the said properties, has illegally and unlawfully laid a wall abutting the road obstructing the lands earmarked for road gifted to the second respondent Municipality. Hence the petitioner sent a representation to the third respondent to remove the same. Upon receipt of the same, the third respondent vide proceedings, dated 02.07.2022, informed that the encroachment complained off comes within the purview of the second respondent Municipality and called upon the second respondent to remove the encroachment made in the said survey numbers. Since the second respondent has not taken any action to remove the abovesaid encroachments, the present Writ Petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that there are encroachments in the place in question and steps are being taken to remove the encroachments by due process of law.



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4. In view of the above, the authorities concerned are directed to remove the encroachments in the place in question, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
17.11.2022

Index : Yes / No

Internet : Yes

ps

To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
Palani Revenue, Palani,
Dindigul District.
- 3.The Tahsildar,
Vedasendur Taluk, Dindigul District.
- 4.The Revenue Inspector,
Puliyur Natham,
Vedasendur Taluk, Dindigul District.

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and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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