



W.P.(MD) No.27824 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.27824 of 2022

A.Murugesan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai.

2.The Assistant Director,
Village Panchayath,
Madurai – 20.

3.The Block Development Officer,
Vadipatti Union Office,
Madurai District.

4.The Tahsildar,
Office of the Tahsildhar,
Vadipatti Taluk,
Madurai District.

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5.The Special Tahsildhar,
Adi Thiravidar Welfare Department Unit – I,
Madurai.

6.The President,
Poochampatti Village Panchayath,
Vadipatti Taluk,
Madurai District.

7.Palpandi

8.Palchami

9.Arumugam

10.Subramani

11.Panchavaram

12.Pappammal

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the illegal encroachments made by the respondents 7 to 12 in the road sight in Survey No. 1484/1D2, 2B5, situated at Chockalingapuram, Poochampatti Village Panchayath, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1, R2, R4 & R5.



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the illegal encroachments made by the respondents 7 to 12 in the road sight in Survey No.1484/1D2, 2B5, situated at Chockalingapuram, Poochampatti Village Panchayath, Vadipatti Taluk, Madurai District.

2. Heard Mr.M.Suresh, learned counsel for the petitioner and Mr.P.Thilakkumar, learned Government Pleader, who takes notice for the respondents 1, 2, 4 and 5. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 3 and 6 to 12 is dispensed with.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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4. It is the case of the petitioner that the respondents 7 to 12 have encroached the property in the place in question and in this regard, the petitioner made a representation on 25.01.2019, seeking to remove the aforesaid encroachment. On receipt of the same, the 4th respondent directed the third respondent to take action for removal of encroachment. Thereafter, the third respondent sent a communication to the sixth respondent, requesting to take necessary steps to survey the road sight for the purpose of removing the encroachment. However, till date, no steps have been taken by the respondents to survey the aforesaid property and to remove the encroachment. According to the petitioner, there is no co-operation among the panchayat as well as the Revenue Department. Hence, the petitioner has filed this writ petition.

5. The learned Government Pleader appearing for the respondents, on instructions, submitted that necessary action would be taken to remove the encroachment, if any, in the place in question, by following due process of law.



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6. On a perusal of the records, it is seen that the Tahsildar has not taken any earnest efforts to survey the land in question and remove the encroachment, as requested by the petitioner. Therefore, we are inclined to direct the fourth respondent, Tahsildar, Vadipatti Taluk, to measure the property in question and submit a report before the third respondent, without any delay, within a period of six weeks (6) from the date of receipt of a copy of this order. On receipt of the report from the Tahsildar, the third respondent viz., the Block Development Officer, Vadipatti Union Office, Madurai District is directed to take necessary action for removal of encroachment, if any, in the place in question, after providing opportunities to all the parties concerned and by following due process of law, within a period of two (2) weeks thereafter. If there is any delay on the part of the Tahsildar, Vadipatti Taluk to measure the property and file a report, within the aforesaid period as directed, the petitioner is permitted to approach the District Collector for taking appropriate action against the fourth respondent.



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[D.K.K., J.] [R.V., J.]

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Index : Yes / No

Internet : Yes / No

vsm



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