



W.P.(MD) No.18131 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

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

W.P.(MD) No.18131 of 2017

Madurai Veeran

... Petitioner

-vs-

- 1.The District Collector
Office of the District Collector
Madurai District, Madurai
- 2.The Commissioner
Madurai Municipal Corporation
Anna Maligai, Madurai
- 3.The Tahsildar
Office of the Tahsildar
Madurai South
Madurai
- 4.The Block Development Officer
Madurai South Taluk
Thanakkankulam
Madurai District



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5.The Zonal Deputy Thasildar
Madurai South Taluk
Thanakkankulam
Madurai District-6

6.The Revenue Inspector
Madurai South Taluk
Thanakkankulam
Madurai District-6

7.The Village Administrative Officer
Madurai South Taluk
Thanakkankulam
Madurai District-6

8.S.Petchi Muthu

9.Poul Pandey

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1, 2 and 4 to 7 to remove the encroachment on the public pathway in Survey No.47/1A and 47/1B at Thanakkankulam, South Taluk, Madurai, on the basis of the third respondent letter in Na.Ka..C/6542/2017, on 28.07.2017, within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.GA.Nataraj
Government Advocate R1, R3 to R7
Mr.T.S.Mohamed Mohideen
Standing Counsel for R2
Mr.J.Devasenar for R8



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ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1, 2 and 4 to 7 to remove the encroachment made on the public pathway in Survey Nos.47/1A and 47/1B of Thanakkankulam Village, Madurai South Taluk, Madurai, on the basis of the third respondent's letter in Na.Ka..C/6542/2017, on 28.07.2017, within the time stipulated by this Court.

2. According to the petitioner, third respondent – Thasildar *vide* proceedings in Na.Ka..C/6542/2017, on 28.07.2017 directed the respondent 5 to 7 to inspect the subject land, find out as to whether there is any encroachment as projected by the petitioner in his representation dated 25.07.2017, and if any encroachment is found, the same has to be reported forthwith.

3. The grievance of the petitioner is that though the third respondent issued the aforesaid proceedings as early as on 28.07.2017, till date no inspection has been conducted and the encroachment has not been removed.



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4. The learned counsel appearing for the second respondent fairly submitted that based on the representation of the petitioner and the proceedings of the third respondent, necessary action for removal of the encroachment would be taken, within a period of eight (8) weeks.

5. Recording the above submission of the learned counsel for the second respondent and directing the authorities concerned to inspect the area in question, ascertain as to whether there is any encroachment as projected by the petitioner in his representation, and if any encroachment is found, to remove the same, in the manner known to law, with in a period of eight (8) weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to all the parties concerned, the 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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- 4.The Zonal Deputy Thasildar,
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