



W.P.No.4471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4471 of 2023

A.Pachamuthu

.. Petitioner

Vs

1. The District Collector
Kallakurichi District.
2. The Revenue Divisional Officer
Revenue Divisional Office
Kallakurichi – 606 213
Kallakurichi District.
3. The Tahsildar
Tahsildar Office
Chinna Salem
Kallakurichi District – 606 201.
4. The Block Development Officer
Chinna Salem
Kallakurichi District.
5. Raja

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 4 to take appropriate action to remove the encroachment caused over the public pathway existing in Survey No.369/5 of Vadakananthal Post, Chinna Salem Taluk, Kallakurichi District – 606 207.

For the Petitioner : Ms.Rajeswari Karthikeyan

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader
for respondents 1 to 3

: Mr.P.Muthukumar
State Government Pleader
for 4th respondent

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

A.Pachamuthu, son of Aathimoolam, a resident of No.26/79, South Street, Vadakananthal Post, Chinna Salem Taluk, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 to 4 to take appropriate action to remove the encroachment made in the public pathway in Survey No.369/5 of



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Vadakananthal Post, Chinna Salem Taluk, Kallakurichi District.

2. When the writ petition is taken up for hearing, Mr.P.Muthukumar, learned State Government Pleader appearing for the official respondents, placing on record the written instructions dated 14.2.2023 received by him from the Revenue Tahsildar, Chinna Salem, submitted that Survey No.369/5 measuring an extent of 0.60.0 Hectares has been classified as "road" and there exists encroachment in the said land. The same is substantiated by the "A" register appended with the written instructions. He submitted that if four weeks' time is granted, the respondent authorities will remove the encroachments.

3. In view of the fair submission made by learned State Government Pleader that there exists encroachment in Survey No.369/5, which is classified as "road", we direct the official respondents to conduct a survey of the land in question with the assistance of the jurisdictional Surveyor and remove the encroachments after issuing notice to the encroachers. The entire



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exercise is to be completed within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
15.02.2023

Index : No
Neutral Citation : No
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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
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