



WP Nos.20742 and 7107 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos.20742 and 7107 of 2019  
and WMP No.19901 of 2019

**WP No.20742 of 2019**

Muthavali,  
Rasipuram East Street, Majith Sunath Jamath,  
Thiru.D.K.Hussain, No.23, Santhi Veera Chetty Street,  
Rasipuram, Namakkal District 673 408. .. Petitioner

-VS-

1. The District Collector,  
Namakkal District, Namakkal.
2. The District Revenue Officer,  
Namakkal District, Namakkal.
3. The Divisional Revenue Officer,  
Namakkal Revenue Division,  
Namakkal District, Namakkal.
4. The Tahsildhar,  
Rasipuram Taluk,  
Namakkal District.
5. The Municipal Commissioner,  
Rasipuram Municipality,  
Rasipuram, Namakkal District.



WP Nos.20742 and 7107 of 2019

6. Ashokan
7. Gopal
8. Velumani
9. Vanaja
- 10.V.Baskaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 5 to take appropriate action as per G.O. (Ms.) No.540 dated 04.12.2014 to remove the entire encroachments in the Government Road Poramboke land measuring 0-675.0 sqr.mtr. Which is situated in T.S.No.130 of Rasipuram Town, Rasipuram Taluk, Namakkal District forthwith by considering the petitioner's representation dated 16.05.2019.

|                     |   |                                                                |
|---------------------|---|----------------------------------------------------------------|
| For the Petitioner  | : | Mr.A.Ilaya Perumal                                             |
| For the Respondents | : | Mr.K.Karthik Jagannath<br>Government Advocate<br>for RR 1 to 4 |
|                     | : | P.Srinivas for R-5                                             |
|                     | : | Mr.Ma.P.Thangavel<br>for RR 6, 7, 9 and 10                     |
|                     | : | No appearance for R-8                                          |

**W.P.No.7107 of 2019**

V.Baskaran .. Petitioner

-vs-

1. The District Collector,  
Collectorate, Namakkal District.
2. The Tahsildar,  
Namakkal District.
3. Rasipuram Chinna Masjid Sunnath Jamathi  
Rep. by Muthavalli,  
Kadhar Sahib Street, Rasipuram Municipal  
Town, Rasipuram, Namakkal District.



WP Nos.20742 and 7107 of 2019

4. The Commissioner,  
Rasipuram Municipality,  
Rasipuram, Namakkal District.  
(Impleaded as per order of Court  
dt.15.11.2023 made in WMP.13489/2019) .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachments made by the 3<sup>rd</sup> respondent and its agents, servants or any other persons claiming through them in T.S.No.130, which is a public pathway in Kadhar Saibu Street situated in Rasipuram Municipal Town, Namakkal District by considering the petitioner's representation dated 27.12.2018.

For the Petitioner : Mr.Ma.P.Thangavel  
For the Respondents : Mr.K.Karthik Jagannath  
Government Advocate  
for RR 1 and 2  
: Mr.A.Ilaya Perumal for R-3  
: P.Srinivas for R-4  
\* \* \* \* \*

### ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Ilayaperumal, learned counsel for the petitioner in WP No.20742 of 2019 and Mr.Ma.P.Thangavel, learned counsel for the petitioner in WP.No.7107 of 2019, Mr.K.Karthik Jagannath, learned Government Advocate for the official respondents and Mr.P.Srinavas, learned standing counsel for the respondent Municipality.



WP Nos.20742 and 7107 of 2019

WEB COPY

2. In both the matters, encroachment is alleged as against the private respondents.

3. The counter-affidavits are filed regarding the existing encroachment. In view of that, the authorities shall proceed further to remove the encroachment if existing in accordance with law expeditiously. The procedures as laid down under the statute or the rules shall be adhered to. The steps shall be commenced by the authorities preferably within eight weeks from today.

With this observation, the writ petitions are disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**15.11.2023**

Index : Yes/No

Neutral Citation : Yes/No

sra



WP Nos.20742 and 7107 of 2019

WEB COPY To

1. The District Collector,  
Namakkal District, Namakkal.
2. The District Revenue Officer,  
Namakkal District, Namakkal.
3. The Divisional Revenue Officer,  
Namakkal Revenue Division,  
Namakkal District, Namakkal.
4. The Tahsildhar,  
Rasipuram Taluk,  
Namakkal District.
5. The Municipal Commissioner,  
Rasipuram Municipality,  
Rasipuram, Namakkal District.



WEB COPY



WP Nos.20742 and 7107 of 2019

THE HON'BLE CHIEF JUSTICE  
AND  
D.BHARATHA CHAKRAVARTHY, J.

(sra)

WP Nos.20742 and 7107 of 2019

15.11.2023