



W.P.No.24632 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24632 of 2021

P.Murugan

..

Petitioner

-vs-

1. The District Collector
Collectorate
Salem District 636 001
2. The Revenue Divisional Officer
Attur, Salem District
3. The Tahsildar
Attur Road, Gangavalli Taluk
Salem District
4. A.Stephen
5. A.Raja
6. C.Mani



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7. The Block Development Officer

Gangavalli Taluk

Salem District

(R7 suo motu impleaded)

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent nos.1 to 3 to survey and remove the encroachments made by 4 to 6 respondents in the public pathway property situated in S.No.409/1, Nagiyampatti Post, Gangavalli Taluk, Salem District and consider the petitioner representation on 13.02.2020 and pass appropriate orders within stipulated time period as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.K.Nagendra Prasad

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R3 & R7
No appearance for R4 to R6

ORDER

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

The petitioner has filed this writ petition seeking for issuance of a mandamus directing the official respondents to survey and remove the encroachments made by the private respondents in the public pathway property situated in Survey No.409/1, Nagiyampatti Post, Gangavalli Taluk, Salem District by considering his representation dated 13.02.2020 within a



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stipulated time.

2. Mr.P.Muthukumar, learned State Government Pleader appearing for the official respondents submitted that since the land covered in Survey No.409/1 situated in Nagiyampatti Village, Gangavalli Taluk falls within the control of the local authority, the petitioner ought to have impleaded the Block Development Officer, Gangavalli Taluk, Salem District as a necessary party for taking appropriate action. Since the petitioner has not done so, he requested this Court to suo motu implead the Block Development Officer, Gangavalli Taluk, Salem District as a party respondent in the writ petition to do the needful.

3. Considering the nature of relief sought for in the writ petition, the Block Development Officer, Gangavalli Taluk, Salem District is suo motu impleaded as the 7th respondent in the writ petition and putting on notice the learned State Government Pleader appearing for the impleaded respondent, we direct the Block Development Officer, Gangavalli Taluk, Salem District



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to remove the encroachments found in the land covered in Survey No.409/1, Nagiyampatti Village, Gangavalli Taluk within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. Consequently, W.M.P.No.25119 of 2022 is closed. There shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

29.03.2023

Registry is directed to carryout the amendment in the cause title portion
SS

To

1. The District Collector
Collectorate
Salem District 636 001
2. The Revenue Divisional Officer
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Attur Road, Gangavalli Taluk
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4. The Block Development Officer
Gangavalli Taluk, Salem District



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

SS

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