



W.P.No.28122 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28122 of 2023

K.Kasinathan

... Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Villupuram District.
2. The Sub Collector,
Office of the Sub District Collector,
Tindivanam.
3. The Thasildhar,
Office of the Thasildhar,
Marakkanam,
Tindivanam Taluk.
4. Gnanamurthy
5. Jaisankar
6. Krishnamoorthy
7. Ranganathan
8. Suresh Babu

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 1st to 3rd respondents particularly the 1st respondent to implement the resolution passed by the



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Kizhsiviri Village vide resolution No.114/2023 and 115/2023 dated 03.05.2023.

For Petitioner : Mr.S.Gunasekaran
For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the 1st to 3rd respondents particularly the 1st respondent to implement the resolution passed by the Kizhsiviri Village vide resolution No.114/2023 and 115/2023 dated 03.05.2023.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner is a Panchayat President of Kizhsiviri Village, Marakkanam Taluk, Tindivanam. According to the petitioner, there is a common pathway situated in Survey Nos.58/1, 58/3, 58/4, 59/7 Kizhsiviri Village, Marakkanam Taluk, Tindivanam. It is classified as Kallangkuththu Poramboke. It is encroached by the respondents 4 to 8 herein. Therefore, the petitioner, being the President of the village



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Panchayat, submitted so many representations before the respondents 1 to 3. Thereafter, the petitioner passed a resolution dated 03.05.2023 and decided to remove the encroachment made by the respondents 4 to 8 herein and the same was forwarded to the second respondent. In pursuant to the resolution, the second respondent conducted a detailed enquiry and found that the respondents 4 to 8 herein are encroaching the said common pathway used by the general public and also recommended to remove the encroachments.

4. Therefore, the second respondent is directed to take appropriate action as against the respondents 4 to 8 herein for removal of encroachments, if any, in the manner known to law. It is also made clear that before taking appropriate action, the second respondent is directed to issue notice to the petitioner and the respondents 4 to 8 herein and after giving an opportunity of hearing to them to put forth their defence, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of.



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There shall be no order as to costs.

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29.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn

To

1. The District Collector,
Office of the District Collector,
Villupuram District.
2. The Sub Collector,
Office of the Sub District Collector,
Tindivanam.
3. The Thasildhar,
Office of the Thasildhar,
Marakkanam,
Tindivanam Taluk.

G.K.ILANTHIRAIYAN, J.



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