



W.P. No. 730 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 730 of 2020

N. Selvaraj

..Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
3. The Revenue Divisional Officer,
Namakkal District, Namakkal.
4. The Tahsildar,
Rasipuram Taluk,
Namakkal District.
5. The Block Development Officer,
Namagiripettai Panchayat Union,



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Namagiripettai.

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6. Palanisamy

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the official respondents 1 to 5 to remove the illegal encroachment made by the private 6th respondent on pathway in 150 feet Tharisu land in continuous to Panchayat road bearing Survey Nos. 42/1, 42/5, 42/6, 43/2, 43/6, 43/7, 43/3, 41/3, 73/4A, 76/1A and 77/4 at Moolapallipatty Village, Rasipuram Taluk, Namakkal District by considering the petitioner's representation dated 11.03.2019 within a stipulated time frame.

For Petitioner :: Mr.R. Jayaprakash

For Respondents :: Mr.A. Selvendran,
Special Govt. Pleader for

R1 to

R4

No appearance for R5

Mr.R. Ramesh for R6

O R D E R

(Made by **S. Vaidyanathan,J.**)

The present writ petition has been filed for issue of a Writ of



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Mandamus directing the official respondents 1 to 5 to remove the illegal encroachment made by the private 6th respondent on pathway in 150 feet Tharisu land in continuous to Panchayat road bearing Survey Nos. 42/1, 42/5, 42/6, 43/2, 43/6, 43/7, 43/3, 41/3, 73/4A, 76/1A and 77/4 at Moolapallipatty Village, Rasipuram Taluk, Namakkal District by considering the petitioner's representation dated 11.03.2019 within a stipulated time frame.

2. It is alleged by the petitioner that the 6th respondent has encroached upon the common pathway in 150 feet Tharisu Land thereby causing inconvenience and obstructing the villagers to have access to the common pathway even for emergency purposes. The representation dated 11.03.2019 submitted by the petitioner for removal of the said encroachment did not evoke any response. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader for respondents 1 to 4 and the learned counsel for the 6th respondent.

4. It cannot be gainsaid that no public pathway shall be encroached by any person. Since it is alleged by the petitioner that the 6th



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respondent has encroached upon common pathway, the authority concerned shall conduct a spot inspection, afford an opportunity of hearing to the petitioner as well as to the 6th respondent and in case, encroachment by the 6th respondent, as alleged by the petitioner is found to be true, then the authority concerned shall ensure that the pathway is restored. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order. Police protection shall be provided to the officials concerned for removal of encroachment, if any. In the event of failure to remove the encroachment within the time stipulated, appropriate action shall be taken against the officials concerned in the light of the order dated 30.08.2023 passed by Madurai Bench of Madras High Court, in W.P.(MD) No. 16120 of 2023 (*N. Sankar V. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and 3 others*).

5. The writ petition is disposed of accordingly. No costs.

(S.V.N.J.) (K.R.S.J.)

nv

13.12.2023

To

1. The District Collector,
Namakkal District,

4\5



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Namakkal.

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2. The District Revenue Officer,
Namakkal District,
Namakkal.

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

3. The Revenue Divisional Officer,
Namakkal District, Namakkal.
4. The Tahsildar,
Rasipuram Taluk,
Namakkal District.
5. The Block Development Officer,
Namagiripettai Panchayat Union,
Namagiripettai.

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