



WEB COPY



WP No.28387 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 28387 of 2018

1. R.Sankar
2.K.Rajendran
Petitioners

..

Versus

1. The District Collector
Villupuram
2. The Thasildar
Vikravandi, Villupuram
3. Ramakrishnan
4. Mahalakshmi
5. Sasikumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachments in S.No.205/17, (street) measuring an extent of 04.01 sq.mts in Bajanaikovil Street, Kosapalayam, Anniyur Post, Vikravandi, Villupuram.

For Petitioners : Ms. V. Srimathi

For R1&R2 : Mr. A. Selvendran
Special Government Pleader



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ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

This writ petition has been filed by the petitioners, seeking a direction to the respondents 1 and 2, to remove the encroachments made in the land comprised in Survey No. 205/17, (street) measuring an extent of 04.01 sq.mts in Bajanai kovil Street, Kosapalayam, Anniyur Post Vikravandi, Villupuram.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioners are the owners of the land comprised in Survey No. 205/6 and they are in possession and enjoyment of the same. It is further stated that adjacent to their land, there is a pathway (Street) comprised in the land in Survey No.205/17 and it is being used by the petitioners and others from time immemorial. While so, on 13.09.2018, the respondents 3 to 5 have encroached upon the pathway by putting a fencing. Immediately, the petitioners and others have given a complaint to the District Collector. On the basis of the direction issued by the District Collector, the Village Administrative Officer of the Village inspected the spot and removed the encroachment. However, the respondents 3 to 5 once again made obstructions in the pathway. Therefore, on 29.09.2018, the petitioners sent a detailed representation to the respondents 1



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and 2 requesting them to remove the encroachments in the Street and to ensure that the street in question is free from any further encroachment. However, the respondents 1 and 2 did not take any action, hence, the petitioners have filed this writ petition for the relief mentioned supra.

3. The learned counsel for the petitioners submitted that the respondents 1 and 2 are the competent authorities to initiate appropriate action to remove the encroachments caused by the respondents 3 to 5 in a public pathway, however, they have failed to discharge their statutory duties. The representation dated 29.09.2018 of the petitioners has not been acted upon so far and therefore, the learned counsel prayed for issuing appropriate direction to the respondents 1 and 2 to forthwith remove the encroachments caused by the respondents 3 to 5 in the land in question.

4. The learned Special Government Pleader appearing for the respondents 1 & 2 produced a copy of the communication in Na.Ka.No.1/386/2023 dated 15.02.2023 of the second respondent, wherein, it is stated that the land in Survey No.205/17 serves as the access to the petitioners and others to reach their respective lands. It is further stated that the said land in S.No.205/17, (street) measuring an extent of 04.01 sq.mts in



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Bajanai kovil Street, Kosapalayam, Anniyur Post Vikravandi, Villupuram has been encroached upon by the respondents 3 to 5 herein. The learned Special Government Pleader therefore prayed this Court to grant time to enable the second respondent to remove the encroachments by following the due process of law.

5. In the light of the communication dated 15.02.2023 of the second respondent and by considering the submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, twelve weeks time is granted to enable the second respondent to take appropriate action to remove the encroachments made in the land in Survey No.205/17, after affording opportunity of hearing to the concerned parties and by following the due process of law.

6. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

J)

[R.M.D., J]

[M.S.Q.,

15.02.2023

Index : Yes / No

Internet : Yes / No

av/rsh

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Villupuram.
2. The Thasildar
Vikravandi, Villupuram.



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and
MOHAMMED SHAFFIQ, J

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