



W.P.(MD)No.2958 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.2958 of 2012

A.Selvamani

... Petitioner

Vs.

- 1.The District Collector,
Pudukotai District,
Pudukottai.
- 2.The Thasildhar,
Aranthangi Taluk,
Pudukottai District.
- 3.The Assistant Divisional Engineer,
Highways Department,
Aranthangi,
Pudukottai District.
- 4.Devi Manivannan,
The President,
Amanji Village Panchayat,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Survey Nos.218 and 323 at Sivanthangadu Group, Kundagavayal Village, Aranthangi Pudukottai District.



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For Petitioner :Mr.T.Lenin Kumar
For R-1 to R-3 :Mr.P.Thilak Kumar,
Government Pleader
For R-4 :Mr.K.Baala Sundaram

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.T.Lenin Kumar, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader for respondents 1 to 3 and Mr.K.Baalasundaram, learned counsel for the fourth respondent.

2. This writ petition is filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Survey Nos.218 and 323 at Sivanthangadu Group, Kundagavayal Village, Aranthangi, Pudukottai District.

3. It is the case of the petitioner that the fourth respondent has encroached the property in Survey Nos.218 and 323. It is his further case that the property in Survey No.218 is a water body(Vaari Poramboke) and the land in Survey No.323 belongs to Highways



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Department. Stating that the fourth respondent, who became the President of adjacent village started misusing her power to encroach several lands including the land in Survey Nos.218 and 323 at Sivanthangadu Group, Kundagavayal Village, Aranthangi, Pudukottai District. The petitioner has also made a representation to the authorities seeking to remove the encroachment. However, no action was taken. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

4. Though notice is served on the fourth respondent and an advocate has also filed vakalat on her behalf, there is no representation on behalf of the fourth respondent. Moreover, none of the respondents have filed counter affidavit specifically denying the averments made in the affidavit filed in support of this writ petition.

5. In the said circumstances, without expressing any opinion on the merits of the case, the respondents 2 and 3 are directed to consider the representation of the petitioner regarding removal of alleged encroachment made by the fourth respondent in Survey Nos.218 and 323 mentioned above. It is needless to say that before taking any action, there shall be a survey being conducted in the



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presence of the petitioner as well the fourth respondent and other encroachers if any. In case the fourth respondent is found to be in encroachment of any property of Government or water body or Highways, the respondents may initiate appropriate action for removal of encroachment after following the procedure in accordance with law.

With the above direction, this writ petition is disposed of.

No Costs.

[S.S.S.R., J.] [D.B.C., J.]
21.08.2023

Index : Yes/No

NCC : Yes/No

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To:

- 1.The District Collector,
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- 3.The Assistant Divisional Engineer,
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Pudukottai District.



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