



W.P(MD)No.5466 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.5466 of 2020
and**

W.M.P(MD)Nos.4763, 4764 & 11271 of 2020

1.Thangavel Udaiyar
2.Lakshmanan Udaiyar

... Petitioners

vs.

- 1.The District Collector,
Collectorate Building,
Ramanathapuram District.
- 2.The Tahsildar,
Taluk Office, Paramakudi,
Ramanathapuram District.
- 3.The Executive Engineer,
Public Works Department / WRO,
Keezh Vaigai Basin Sub Division,
Paramakudi Taluk,
Ramanathapuram District.
- 4.The Assistant Engineer,
Public Works Department / WRO,
Pasanapriuvu – II,
Ilaiyankudi,
Sivagangai District.



W.P(MD)No.5466 of 2020

WEB COPY

5.R.Sureshkanna

... Respondents

(R – 5 is impleaded vide order, dated 06.01.2023
in W.M.P(MD)No.8087 of 2020)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned orders passed by the fourth respondent vide his proceedings Nil, dated 13.01.2020 in Survey No.122 to an extent of 0.02.84 sq. meter of pathway by way of laying faver block road, 0.00.56 sq. meter Asbestos roof with floor and to an extent of 0.00.21 sq. meter of front balcony of house and quash the same as illegal.

For Petitioners : Mr.D.Senthil

For RR 1 to 4 : Mr.V.Nirmal Kumar
Government Advocate

For R – 5 : Mr.R.Gowri Shankar

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned order passed by the fourth respondent vide proceedings Nil, dated 13.01.2020 in Survey No.122 to an extent of



W.P(MD)No.5466 of 2020

WEB COPY

0.02.84 sq. meter of pathway by way of laying faver block road, 0.00.56 sq. meter Asbestos roof with floor and to an extent of 0.00.21 sq. meter of front balcony of house.

2.The learned counsel appearing for the petitioners submitted that the petitioners have removed the paver block road in Survey No.122 of Keelakavanur Kanmai.

3.The learned counsel appearing for the fifth respondent submitted that the said encroachment has not been removed.

3.In view of the abovesaid submissions, if the petitioner has not removed the said encroachment, the authority concerned is directed to take necessary action for removal of the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



W.P(MD)No.5466 of 2020

WEB COPY

4.With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
06.01.2023
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Collectorate Building,
Ramanathapuram District.
- 2.The Tahsildar,
Taluk Office, Paramakudi,
Ramanathapuram District.
- 3.The Executive Engineer,
Public Works Department / WRO,
Keezh Vaigai Basin Sub Division,
Paramakudi Taluk,
Ramanathapuram District.
- 4.The Assistant Engineer,
Public Works Department / WRO,
Pasanapriuvu – II,
Ilaiyankudi,
Sivagangai District.



WEB COPY



W.P(MD)No.5466 of 2020

D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.5466 of 2020

DATED : 06.01.2023
(1/2)