



W.P(MD)No.2762 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.2762 of 2023

Thangavel

... Petitioner

VS.

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
Srirengam Revenue Division,
Tiruchirappalli District.
- 3.The Tahsildar,
Taluk Office,
Manapparai.
- 4.The Block Development Officer,
Vaiyampatti Panchayat Union,
Manapparai Taluk,
Tiruchirappalli District.
- 5.The President,
Kumaravadi Village Panchayat,
Vaiyampatti Panchayat Union,
Manapparai Taluk,
Tiruchirappalli District.



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6.Rengasamy @ Rengamanaicker

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action for the removal of encroachments made in Survey No.529/2 of Kumaravadi Village, Manapparai Taluk, Tiruchirappalli District made by the sixth respondent on the pathway leading to the burial ground in Survey No.524 of Kumaravadi Village, Manapparai Taluk, Tiruchirappalli District based on the petitioner's representations, dated 04.04.2022, 25.05.2022, 22.08.2022, 19.09.2022, 10.10.2022 and 31.10.2022 given to the respondents 1 to 4.

For Petitioner : Mr.T.M.Madasamy

For RR 1 to 4 : Mr.M.Sarangan
Additional Government Pleader

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 Mandamus, directing the respondents 1 to 4 to take appropriate action for the removal of encroachments made in Survey No.529/2 of Kumaravadi Village, Manapparai Taluk, Tiruchirappalli District made by the sixth respondent on the pathway leading to the burial ground in Survey No.524 of



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Kumaravadi Village, Manapparai Taluk, Tiruchirappalli District based on the petitioner's representations, dated 04.04.2022, 25.05.2022, 22.08.2022, 19.09.2022, 10.10.2022 and 31.10.2022 given to the respondents 1 to 4.

2. Seeking removal of encroachment made by the sixth respondent in the property comprised in Survey No.529/2, which is classified as 'Vandipathai' in the Government poramboke land, the petitioner has filed the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that there is no encroachment in the aforesaid survey number. The petitioner has unnecessarily filed the present Writ Petition before this Court seeking removal of the encroachment in the property comprised in Survey No.529/2, whereas the property comprised in Survey No.529/1 belongs to the sixth respondent's patta land.

4. The learned counsel appearing for the petitioner still insisting before this Court that the sixth respondent has encroached the property comprised in Survey No.529/2. Therefore, he seeks for measurement of the said property by the Taluk Surveyor and to fix the boundary.



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5.The learned Special Government Pleader appearing for the respondents 1 to 4 has no serious objection for surveying the said land with the assistance of the Taluk Surveyor and to fix the boundaries and if it is found that there are encroachments, the same shall be removed on merits and in accordance with law.

6.In view of the abovesaid submissions, we direct the third respondent to survey the property in question with the help of the Taluk Surveyor and to measure the same and fix the boundaries in Survey No.529/2, which is classified as 'Vandipathai', after issuing notice to all the parties. If there is any encroachment, the third respondent shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned including the sixth respondent and by following due process of law, as expeditiously as possible.



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7.With the above directions, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [L.V.G.,J.]
10.02.2023

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

To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
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Srirengam Revenue Division,
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- 3.The Tahsildar,
Taluk Office,
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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DATED : 10.02.2023