



W.P(MD)No.2398 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM:

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

W.P(MD)No.2398 of 2023

A.Navalingam

... Petitioner

VS.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The District Revenue Officer,
Trichy District,
Trichy.
- 3.The Revenue Divisional Officer,
Srirengam Region,
Vannankovil,
Trichy District.
- 4.The Tahsildar,
Marungapuri Taluk,
Trichy District.
- 5.The Block Development Officer,
Marungapuri Taluk,
Kallupatti,
Trichy District.



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6.The President,
V.Idaiyapatti Panchayat,
Kovilpatti,
Trichy District.

7.Thirupathi

... 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 6 to remove the encroachment made by the seventh respondent in Survey Nos.371, 373/1, 373/6, 373/8, 373/10 and 374/1 and 2 situated at Thottiapatti Village, Marungapuri Taluk, V.Idaiyapatti Panchayat, Trichy District classified as pathway and restore the said pathway for the effective usage of Villagers to freely access the burial ground by considering the petitioner's representation, dated 28.11.2022 within the period stipulated by this Court.

For Petitioner : Mr.J.Sulthan Basha

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 6 to remove the encroachment made by the seventh respondent in Survey Nos.371, 373/1, 373/6, 373/8,



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373/10 and 374/1 and 2 situated at Thottiapatti Village, Marungapuri Taluk, V.Idaiyapatti Panchayat, Trichy District, which was classified as 'pathway' and restore the said pathway for the effective usage of the Villagers to have a free access to the burial ground, by considering the petitioner's representation, dated 28.11.2022 within the time stipulated by this Court.

2. According to the petitioner, he submitted a representation, dated 28.11.2022 to the respondents 1 to 4 seeking for removal of the encroachment made by the seventh respondent. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner is also an encroacher in the abovesaid property and survey would be conducted, after issuing notice to all the encroachers and appropriate action will be taken in accordance with law.

4. In reply to the submission made by the learned Additional Government Pleader appearing for the respondents 1 to 4, the learned counsel appearing for the petitioner submitted that after survey conducted



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by the authority concerned, if it is found that there are encroachments made by the petitioner, he is ready to remove the said encroachment and hand over the vacant possession of the encroached portion to the authority concerned.

5. Recording the abovesaid submission, the authority concerned is directed to survey the property in question with the assistance of the Taluk Surveyor, after issuing notice to all the encroachers including the petitioner and if it found that there are encroachments, the authority concerned shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. Further, the statement of the petitioner is also recorded that if the petitioner is found to be encroached upon the aforesaid property, the petitioner shall hand over the vacant possession of the the encroached property to the authority concerned, failing which, the authority concerned is directed to take necessary steps for removal of the petitioner's encroachment, without issuing any further notice to the petitioner.



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[D.K.K.,J.] [L.V.G.,J.]
14.02.2023

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

To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The District Revenue Officer,
Trichy District,
Trichy.
- 3.The Revenue Divisional Officer,
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Vannankovil,
Trichy District.
- 4.The Tahsildar,
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- 5.The Block Development Officer,
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- 6.The President,
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D.KRISHNAKUMAR,J.

and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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DATED : 14.02.2023