



W.P(MD)No.2464 of 2023

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.02.2023**

**CORAM:**

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

**W.P(MD)No.2464 of 2023**

A.Pilavendran

... Petitioner

VS.

1.The District Collector,  
Thanjavur District,  
Thanjavur.

2.The Sub-Collector,  
Pattukkottai,  
Thanjavur District.

3.The Tahsildar,  
Pattukkottai Taluk,  
Thanjavur District.

4.Clement Raj

... 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 3 herein to restore the cart-track running through punja land comprised in Survey No.355/4B situated at No.29, Keelakurichi East Village, Pattukkottai Taluk, Thanjavur District in its original position by removing the



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encroachment made by the fourth respondent based on the representation, dated 26.12.2022.

For Petitioner : Mr.D.Srinivasaragavan

For RR 1 to 3 : Mr.K.Balasubramani  
Special 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 3 to restore the cart-track running through punja land comprised in Survey No.355/4B situated at No.29, Keelakurichi East Village, Pattukkottai Taluk, Thanjavur District in its original position by removing the encroachment made by the fourth respondent based on the representation of the petitioner, dated 26.12.2022.

2. According to the petitioner, he made a representation, dated 26.12.2022 to the respondents 1 & 2 seeking for removal of the encroachment made by the fourth respondent in the aforesaid survey number. Since the same has not been considered, the petitioner has filed the present Writ Petition.



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3. The learned Government Pleader appearing for the respondents 1 to 3 submitted that the third respondent/the Tahsildar is the competent authority for removal of the encroachment, but the petitioner has not sent a copy of the representation to the Tahsildar. If the petitioner made a representation to the third respondent, the same would be considered and appropriate action will be taken in accordance with law.

4. Considering the submissions made on either side, the petitioner is directed to submit a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the third respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice to all other parties, 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 fourth respondent and by following due process of law, within a period of twelve weeks thereafter.



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

**[D.K.K.,J.] [L.V.G.,J.]**  
**08.02.2023**

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

To

- 1.The District Collector,  
Thanjavur District,  
Thanjavur.
- 2.The Sub-Collector,  
Pattukkottai,  
Thanjavur District.
- 3.The Tahsildar,  
Pattukkottai Taluk,  
Thanjavur District.



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**D.KRISHNAKUMAR,J.**

**and**

**L.VICTORIA GOWRI,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.2464 of 2023**

**DATED : 08.02.2023**