



W.P.(MD)No.3895 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3895 of 2023

P.Prabakaran

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.
- 2.The Deputy Director (Village Panchayat),
O/o. the Deputy Director (Village Panchayat),
Collectorate,
Ramanathapuram,
Ramanathapuram District.
- 3.The Block Development Officer,
O/o. the Block Development Officer,
Paramakudi,
Ramanathapuram District.



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WEB COURT

4.The Tahsildar,
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.

5.Ezhilmannan

... Respondents.

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos. 1 to 4 to remove the encroachment made by the Respondent No. 5 in the public pathway in survey No. 236/102A, in Kani Nagar, Thelichathanallur Post, Paramakudi, Ramanathapuram by considering the petitioners representation dated 05.11.2022 within a time frame.

For Petitioner : Mr.A.Abdul Kabur

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1, R2 & R4
Mr.M.Sarangan,
Addl. Govt. Pleader for R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, Writ of Mandamus, directing the respondent Nos. 1 to 4 to remove the



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encroachment made by the Respondent No. 5 in the public pathway in survey No. 236/102A, in Kani Nagar, Thelichathanallur Post, Paramakudi, Ramanathapuram, by considering the petitioners representation dated 05.11.2022 within a time frame.

2. Heard Mr.A.Abdul Kabur, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the respondents 1, 2 and 4 and Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the third respondent. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal.

4. The learned counsel appearing for the petitioner submitted that the 5th respondent has encroached the public pathway in survey No. 236/102A, in Kani Nagar, Thelichathanallur Post, Paramakudi, Ramanathapuram and in this regard, though the petitioner made a representation on 05.11.2022 to the respondents,



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seeking for removal of the said encroachment, till date, no steps have been taken by the respondents for removal of the same. Hence, the petitioner has filed this Writ Petition.

5. The learned Additional Government Pleader appearing for the 3rd respondent has produced a proceedings of the Panchayat President of the Thelichathanallur, dated 27.02.2023 and submitted that the 5th respondent has made encroachment in the aforesaid survey number, which is classified as a public pathway and therefore, necessary action will be taken for removal of encroachment in the aforesaid property, after conducting survey.

6. In view of the aforesaid submissions, this Court directs the third respondent to survey the property in question in the presence of all the parties concerned and if there is any encroachment in the place in question, the third respondent is directed to remove the same, after providing sufficient opportunity to all the parties concerned and by following the process of law, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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WEB COPY 7. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K., J.] [L.V.G., J.]
27.02.2023

NCC : Yes / No
Index : Yes / No
vsm

To

- 1.The District Collector,
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Ramanathapuram District.
- 2.The Deputy Director (Village Panchayat),
O/o. the Deputy Director (Village Panchayat),
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- 3.The Block Development Officer,
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- 4.The Tahsildar,
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