



WEB COPY

W.P.(MD)No.9860 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

**W.P.(MD)No.9860 of 2023
and
W.M.P(MD) No.8692 of 2023**

P.Gopalaraj

... Petitioner

-VS-

1. The District Collector,
Office of the District Collector,
Thoothukudi District.
2. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
3. The Block Development Officer,
Srivaikundam Panchayat Union,
Srivaikundam, Thoothukudi District.
4. The President,
Vallalkulam Village Panchayat,
Srivaikundam Taluk,
Thoothukudi District.
5. N.Pallikonda Nadar
6. Arumugakani



7. Maheshwari

... 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 herein to take necessary action against the encroachments made by the Respondents 5 to 7 herein in the public street comprised in Survey No. 622 and also to remove the encroachments made in the place earmarked for sun drying the harvest paddy during harvesting seasons at Survey No. 620 situated at Mallal Pudukulam Village, Srivaikundam Taluk, Thoothukudi District on the basis of the petitioner's representation dated 30.11.2022 and 07.03.2023 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Gangai Amaran

For R1 and R2 : Mr.A.Baskaran
Additional Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

With the consent of parties, the writ petition itself is taken up for final disposal.



2. The writ petitioner has filed this writ petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to take necessary action against the encroachments made by the respondents 5 to 7 in the public street covered in Survey No. 622 and also to remove the encroachments made in the place earmarked for 'Kalam' (thrashing floor), on the basis of the representations, dated 30.11.2022 and 07.03.2023, respectively, within a time frame.

3. Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents 1 and 2. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the private respondents is dispensed with.

4. Claiming that the respondents 5 to 7 have encroached the public pathway by way of laying a compound wall in Survey No.622 at Mallal Pudukulam Village in Thoothukudi District and thereby, obstructing the movement of the public over the said public pathway, the petitioner submitted a representation to the first respondent on 07.03.2023. Despite the representation dated 07.03.2023 made by the petitioner in this regard to the official



respondents to take appropriate action, till date, no action is taken by them. Learned counsel also produced the photographs and submitted that the same amply shows that there are unauthorised constructions by the private respondents in the public street. Hence, he prayed for allowing this writ petition.

5. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the official respondents will consider and dispose of the representation of the petitioner dated 07.03.2023 and if there is any unauthorised construction by the private respondents, appropriate action will be taken in accordance with law, within a time frame.

6. Recording the aforesaid submissions, without expressing any opinion on the prayer sought for by the petitioner, this writ petition is disposed of directing the official respondents to survey the land in question, demarcate its extent and also the extent of encroachment and then remove the encroachment if any therein, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such exercise shall be completed within a period of eight weeks from the date of



receipt of a copy of this order.

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7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[T.R., A.C.J.] [R.S.M., J.]
25.04.2023

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

To

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T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

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ORDER MADE IN
W.P.(MD)No.9860 of 2023

25.04.2023