



WEB COPY

W.P.(MD)No.9729 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.9729 of 2023

T.Radhakrishnan

... Petitioner

-VS-

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Block Development Officer,
Valliyur, Tirunelveli District.
3. The Thasildar,
Thisaiyanvilai, Tirunelveli District.
4. The President,
Kannanallur Panchayat,
Thisaiyanvilai Taluk, Tirunelveli District.

5. Thalavaaipandi

... 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 remove the illegal encroachment and obstruction made by the 5th respondent in the public pathway



located in Survey No. 50/9 at Tamaraikulam Village, Kannanallur Panchayat, Tirunelveli District and to reform the metal road by considering the petitioner's representation dated 13.03.2023.

For Petitioner : Mr.K.Sudalaiyandi
For R1 and R3 : Mr.P.Thilakkumar
Government Pleader
For R2 : Mr.V.Nirmal Kumar
Government Advocate

ORDER

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

The writ petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment and obstruction made by the fifth respondent in the public pathway located in Survey No. 50/9 at Tamaraikulam Village, Kannanallur Panchayat, Tirunelveli District, on the basis of the representation, dated 24.03.2023, within a time frame.

2. Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents 1 and 3 and Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the second



respondent. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the private respondents is dispensed with.

3. Pointing out that the fifth respondent has encroached the public pathway by putting up a fence in Survey No. 50/9 at Thamaraikulam Village, Kannanallur Panchayat, Tirunelveli District, the petitioner submitted a representation to the official respondents on 13.03.2023. Despite the representation dated 13.03.2023 made by the petitioner in this regard to the official respondents to take appropriate action, till date, no action is taken by them. In support of his submissions, learned counsel also brought to our notice the photographs enclosed at page No.18 of the typed set of papers. A perusal of the photographs clearly shows that the lands covered in Survey No.50/9 have been encroached. As a result, the petitioner and the public are facing difficulty to access and use the said common pathway.

4. Learned Government Pleader appearing for the respondents 1 and 3 sought four weeks time to give notice to all the parties concerned and thereafter, to remove the



encroachments in accordance with law.

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5. 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 remove the encroachments, 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.

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

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

NCC : No
Index : No
Internet: Yes
PKN



To

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W.P.(MD)No.9729 of 2021



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W.P.(MD)No.9729 of 2023:

THE HON'BLE ACTING CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

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ORDER MADE IN
W.P.(MD)No.9729 of 2023

25.04.2023