



W.P.(MD) No.9931 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

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

W.P.(MD) No.9931 of 2023

G.Muthumarri

... Petitioner

-VS-

- 1.The District Collector
Ramanathapuram District
Ramanathapuram
- 2.The District Revenue Officer
Ramanathapuram
- 3.The Revenue Divisional Officer
Ramanathapuram District
- 4.The Tashildhar
Thiruvadanai Taluk
Ramanathapuram District
- 5.The Block Development Officer
Thiruvadanai
Ramanathapuram District
- 6.The Executive Officer
Town Panchayat
Thondi, Thiruvadanai
Ramanathapuram District



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7.L.R.Chinnasamy

8.Sekar

9.A.Periyasamy

10.Kupusamy

11.Vilvayutham

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 6 to remove the encroachments made by the respondents 7 to 11 in the common pathway situated in Ward No.12, Veerapathiran Padayachi Street, Thondi, Ramanathapuram District, in accordance with the eviction notice issued by the sixth respondent in Na.Ka.No.105/2022, dated 14.09.2022, within a time stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4
Mr.V.Nirmal Kumar
Government Advocate for R5 & R6



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ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 4 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 5 & 6.

2. Considering the nature of the relief, notice to the private respondents is dispensed with.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. G.Muthumarri, son of Gurusamy, has filed this writ petition, under Article 226 of the Constitution of India, seeking a direction to the respondents 1 to 6 to remove the encroachments made by the private respondents in the common pathway in Ward No.12, Veerapathiran Padayachi Street, Thondi, Ramanathapuram District.



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5. Learned counsel appearing for the petitioner would submit that though the sixth respondent has issued a notice to the private respondents as early as on 14.09.2022 to remove the encroachments, no action was taken till date to remove the encroachments. Therefore, the petitioner has come up with this writ petition.

6. Learned Special Government Pleader appearing for the respondents 1 to 4 submitted that though the notice dated 14.09.2022 was issued by the Executive Officer of Thondi Town Panchayat, insofar as removal of encroachments in the Town Panchayat is concerned, it has to be removed only by the Tahsildar. Therefore, the Tahsildar, Thiruvadanai Taluk, will issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to the encroachers and after receiving their representation / objection, if any, he will remove the encroachments, if any, in the manner known to law.

7. The above submission of the learned Special Government Pleader is recorded.



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8. Granting eight weeks time from the date of receipt of a copy of this order to the fourth respondent to complete above exercise, this writ petition is disposed of. No costs.

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

25.04.2023

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

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To:

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram District.
- 4.The Tashildhar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 5.The Block Development Officer,
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6.The Executive Officer,
Town Panchayat,
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T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

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