



W.P.(MD)No.14290 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.14290 of 2023

and

W.M.P.(MD)No.12090 of 2023

P.Muthaiah Thevar

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate Building,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Division,
Usilampatti, Madurai District.
- 3.The Tahsildar,
Usilampatti Tahsildar Office,
Usilampatti, Madurai District.
- 4.The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.



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5.The President,
Jothilnayakanur Village Panchayat,
Usilampatti Panchayat Union,
Madurai District.

6.Thirupathi

7.Jeyaraj

8.Gani

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachment of 4 feet out of 20 feet in the public pathway road on the north side of the petitioner's property at Jothilnayakkanur, Usilampatti Taluk, Madurai District made by the respondents 6 to 8 by making bathroom, doorsteps and also concrete building by considering the petitioner's representation dated 03.04.2023.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 to R5 : Mr.T.Amjadkhan,
Government Advocate

For R6 to R8 : No Appearance

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Writ on hand has been instituted to direct the respondents 1 to 5 to remove the illegal encroachment of 4 feet out of 20 feet in the public pathway road on the northern side of the petitioner's property at Jothilnayakkanur, Usilampatti Taluk, Madurai District.



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2.The learned Government Advocate appearing on behalf of the respondents 1 to 5 has made a submission that pursuant to the interim order passed by this Court on 01.09.2023, the 3rd respondent conducted a survey and the petitioner himself is found as an encroacher and therefore, he issued a notice under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

3.It is needless to state that all the road encroachers are to be evicted by following the procedures as contemplated under the Act. Since notice has already been issued to the encroacher, the official respondents are directed to follow the procedures and evict the encroacher within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

06.10.2023

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

Yuva

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

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- 5.The President,
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