



W.P.(MD) No.16273 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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G.Jeevanantham

... Petitioner

-vs-

- 1.The Revenue Divisional Officer,
Iluppur Revenue Divisional Office,
Iluppur – 622 102,
Pudukkottai District.
- 2.The Thasildar,
Ponnamaravathy Taluk Office,
Ponnamaravathy – 622 401,
Pudukkottai District.
- 3.The Block Development Officer,
Panchayat Union Office,
Ponnamaravathy,
Pudukkottai District.
- 4.The President,
Melamelnilai Village Panchayat,
Koppanapatti Post,
Ponnamaravathy Taluk,
Pudukkottai District – 622 401.



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WEB COURT 5.Janaki

6.Muthalagu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in the Public Pathway comprised in S.No.87/30 at Melamelnilai Village, Ponnamaravathy Taluk, Pudukkottai District, within a time frame stipulated by the Hon'ble Court.

For Petitioner : Mr.T.Balaji

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 & R2
Mr.D.Sachikumar
Additional Government Pleader for R3 & R4

ORDER

[Order of the Court was made by S.VAIDYANATHAN, J.]

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 and 2 and Mr.D.Sachikumar, learned Additional Government Pleader, takes notice for the respondents 3 and 4.



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2. Since we are not passing any adverse orders against the private respondents, notice to them 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. Prayer in this writ petition is to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in the Public Pathway comprised in S.No.87/30 at Melamelnilai Village, Ponnamaravathy Taluk, Pudukkottai District, within a time frame.

5. Learned Additional Government Pleader appearing for the respondents 3 and 4 would submit that both the petitioner and the private respondents have made encroachments in the public pathway and the same will be removed by following due process of law.

6. In view of the submissions made by the learned Additional Government Pleader appearing for the respondents 3 and 4, the authorities concerned shall cause notice to the petitioner and the private respondents and afford due opportunity to them, conduct a spot inspection, take photographs



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and videograph of the same. The Authorities concerned can also utilize the advanced technology of drone survey in the presence of the respective parties in order to ascertain the exact portion of encroachment.

7. It is made clear that if there is any encroachment made, no indulgence shall be shown. The officials shall follow the dictums of this Court (S.K.Kaul,C.J., and R.Mahadevan,J.) in Contempt Petition No.1769 of 2015 and Contempt Petition No.2166 of 2015 (Suo motu) and in W.P. No. 28143 of 2021 dated 27.01.2022 (S.Vaidyanathan,J and D. Bharatha Chakravarthy,J.) in its letter and spirit. If the officials fail to remove the encroachment, disciplinary action shall be initiated and punishment for major misconduct shall be entered in the service records that will deprive them of further chances of promotion.

8. We make it clear that we have not rendered any finding on the merits of the plea made by the petitioner and it is for the authority concerned to take a decision on merits.



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9. With the above direction, this writ petition is disposed of. No costs.

[S.V.N., J.] [D.B.C., J.]
06.07.2023

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

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