



W.P.(MD)No.19496 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.19496 of 2021

R.Saleem Khan

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3.The Thasildar,
Manamelkudi Taluk,
Pudukottai District.

4.Mohamed Faisal Khan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in the public pathway and road in S.No.196/4, Kodikulam Village, Kotapattinam Range, Manamelkudi Taluk, Pudukottai District by considering the representation of the petitioner dated 10.09.2021 within the time that may be stipulated by this Court.



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For Petitioner :Ms.H.Jasima Yasmin for
M/s.Ajmal Associates

For R-1 to R-3 :Mr.P.Thilak Kumar,
Government Pleader

For R-4 :No Appearance

ORDER

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

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 to 3.

2. This writ petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made in a public pathway and road in S.No.196/4, Kodikulam Village, Kotapattinam Range, Manamelkudi Taluk, Pudukottai District by considering the representation of the petitioner, dated 10.09.2021, within the time that may be stipulated by this Court.



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3. It is the case of the petitioner that he is the owner of the property in Survey Nos.197/7, 197/9 and 205/5 at Kodikulam Village, Kotapattinam Range, Manamelkudi Taluk, Pudukottai District. It is his further case that adjacent to his lands, there is a public pathway and road situated in Survey No.196. Stating that the property in Survey No.196/4 is classified as 'Government Land', the petitioner has sought for removal of encroachment.

4. It is stated that the representations submitted by the petitioner before the official respondents are pending. The petitioner has also filed before this Court the on-line status of the representations submitted by him indicating that the respondents have identified the encroachment and steps would be taken to remove the encroachment. Stating that no steps were taken for removal of encroachment, the above writ petition has been filed.

5. Despite service of notice to the alleged encroacher/fourth respondent, he has not chosen to appear either in person or through counsel.



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6. The learned Additional Government Pleader has received a communication from the Tahsildar, Manamelkudi, to show that an extent of 5.60.0 hectares in Survey No.196/4 has been classified as 'Arasu Punjai'. However, the respondents have not filed any status report as to the character of the land. The learned Additional Government Pleader is unable to confirm that any survey was conducted in the presence of the fourth respondent or any other person, who is in possession as an encroacher.

7. Having regard to the facts and circumstances indicated above, this Court is inclined to dispose of this writ petition in the following lines.

8. The third respondent is directed to find out whether the pathway as alleged by the petitioner exists on ground. In case, any pathway is detailed in F.M.B, the third respondent Tahsildar may locate the same and identify whether there is encroachment by the fourth respondent or any other person. The survey should be conducted by the Tahsildar after issuing due notice to the petitioner as well as the fourth



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respondent in their presence. In case, the Tahsildar finds existence of a pathway as per the revenue records, steps shall be taken by the third respondent to remove the encroachment under the provisions of the Tamil Nadu Land Encroachment Act, 1905, within a period of eight weeks from the date of receipt of a copy of this order by following the procedure contemplated under the Act.

With the above directions, this writ petition is disposed of.

No Costs.

[S.S.S.R., J.] [D.B.C., J.]
17.07.2023

Index : Yes / No
NCC : Yes/No

pm

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- 1.The District Collector, Pudukottai District,
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- 3.The Thasildar, Manamelkudi Taluk,
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