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W.P.(MD) No.18049 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM:

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

W.P.(MD) No.18049 of 2023

Elangovan

... Petitioner

-VS-

1.The District Collector
Collector Office
Thanjavur
Thanjavur – District

2.The Tahsildar
Orathanadu Taluk
Thanjavur – District

3.The Block Development Officer
Thiruvonam Union
Thiruvonam
Thanjavur – District

4.Revenue Inspector
Kavalippatti
Orathanadu Taluk
Thanjavur District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachment in Government Pathway comprised in Survey No.224/5, Vettuvakottai Village, Orathanadu – Taluk, Thanjavur – District, by considering the petitioner's representation dated 17.04.2023.

For Petitioner : Mr.R.Ilayaraja

For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

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

This writ petition is filed for issuance of a writ of mandamus directing the respondents to remove the encroachments made in a pathway comprised in Survey No.224/5 of Vettuvakottai Village, Orathanadu – Taluk, Thanjavur – District, based on his representation dated 17.04.2023.

2. This Court finds that the petitioner has not even collected particulars about the classification of the land in question as per the revenue records and even though he made an allegation that some private persons



W.P.(MD) No.18049 of 2023

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have encroached the pathway comprised in Survey No.224/5, he has not impleaded them as party respondents to the proceedings. Therefore, this writ petition is liable to be dismissed for lack of material particulars and for non-joinder of necessary and proper parties.

3. Accordingly, this writ petition is dismissed for lack of material particulars and for non-joinder of necessary and proper parties. However, liberty is given to the petitioner to file a writ petition afresh, after collecting sufficient particulars regarding classification of the land in question and also impleading the necessary and proper parties. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

27.07.2023

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

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D.BHARATHA CHAKRAVARTHY, J.

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