



W.P.(MD).No.19172 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.19172 of 2023

Veeraputhiran

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Tahsildar,
Watrap,
Virudhunagar District.

3.The Executive Officer,
Watrap Town Panchayat,
Virudhunagar District.

4.Sundarasamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents Nos.1 to 3 to remove the encroachments and unauthorized construction made by the fourth



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respondent in Survey No.1643/2010, Watrap Village and Taluk, Virudhunagar District within time stipulated by this Court.

For Petitioner : Mr.R.M.Arun Swaminathan
For Respondents : Mr.T.Amjad Khan
Government Advocate for R-1 to R-3
R-4 died

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN,J.)

The present Writ Petition is filed seeking for a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments and unauthorised construction in Survey No.1643/2010, Watrap Village and Taluk, Virudhunagar District.

2. The petitioner claims that his house is situated in Survey Nos. 1643/11, 12, 13, 14 and Survey No.1643/10 is a Government poromboke land (padhai). The fourth respondent, one Sundarasamy, had filed a civil suit in O.S.No.123/2009 on the file of the District Munsif Court,



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Srivilliputhur for permanent injunction and the said suit was dismissed on 15.04.2009. The fourth respondent had also filed a suit in O.S.No.412/2010 on the file of the Additional District Munsif, Srivilliputhur, seeking for declaration and permanent injunction, which was dismissed on 24.02.2012. Against the said judgment and decree, the fourth respondent preferred an appeal in A.S.No.20/2015 on the file of the Additional Sub Court, Srivilliputhur, which was also dismissed on 21.11.2022. The subject land in Survey No.1643/2010 belongs to the Government. The petitioner seeks the encroachment made by the fourth respondent to be removed.

3. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 3 produced a copy of the proceedings of the Executive Officer, Watrap Town Panchayat, Virudhunagar District/third respondent, dated 29.09.2023, wherein, he has stated that when the State authorities went to remove the encroachments in the subject land, they came to know that the fourth respondent had passed away. Therefore, they were not in a position to proceed further with the



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removal of encroachment. However, they had given a categorical statement that on 12.10.2023, they will proceed further with the removal of encroachment and complete the same. The said statement of the Executive Officer/third respondent is taken on record.

4. Accordingly, this Writ Petition stands disposed of, by directing the respondents 1 to 3 to remove the encroachments made in the public pathway as per their statement on 12.10.2023 and complete the same within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
03.10.2023

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



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To

WEB COPY

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S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

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