



W.P.(MD)No.21155 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.21155 of 2014

K.Ramar

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Block Development Officer,
Aundipatti Union Panchayath,
Aundipatti.

3.The Tahsildar,
Aundipatti,
Theni District.

4.The Panchayath President,
Pitchampatti,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to remove the encroachment made in the Panchayath Union Road in S.No.



W.P.(MD)No.21155 of 2014

559/1B of Pitchamppatti Village, Aundipatti Taluk, Theni District in pursuance of the proceedings of the 2nd respondent made in Na.Ka.No. 1528/2014/B5 dated 14.08.2014 within a stipulated time.

For Petitioner :Mr.B.Jeyakumar
For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed seeking for a mandamus directing the respondents to remove the encroachment made in the Panchayath Union Road in S.No.559/1B of Pitchamppatti Village, Aundipatti Taluk, Theni District in pursuance of the proceedings of the 2nd respondent made in Na.Ka.No.1528/2014/B5 dated 14.08.2014 within a stipulated time.

2.A counter affidavit has been filed by the third respondent herein even as early as on 20.04.2015, in which, he had made a following averments:

(c) I submit that the encroachment has since, been correctly located and identified as in



W.P.(MD)No.21155 of 2014

S.No.559/1A2 where in a portion of the Panchayat Union Road exists within the portion acquired for locating the Adi Dravidar Colony. Action is being pursued to evict the encroachment after observing the formalities such as issue of statutory notices nos.6 and 7 under the Land Encroachment Act 1905 and the instant Writ Petition needs to be dismissed.

3. Recording the said averment made in the counter affidavit, the third respondent, if had not, already taken action for removal of the encroachment, he shall take steps to remove the encroachment identified in Survey No.559/1A2, within a period of twelve weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

31.01.2023

Index : Yes / No
Speaking Order/Non Speaking Order
sbn



W.P.(MD)No.21155 of 2014

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W.P.(MD)No.21155 of 2014

K.KUMARESH BABU, J.

sbn

W.P.(MD)No.21155 of 2014

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