



W.P(MD)No.20751 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.20751 of 2015

M.Madasamy

... Petitioner

VS.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Regional Divisional Officer,
Kovilpatti District,
Thoothukudi.

3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi.

4. The President,
Kulathur Panchayat,
Thoothukudi.

5. Paul Raj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, for issuance of a Writ of Mandamus, directing

1/5



W.P(MD)No.20751 of 2015

the respondents 1 to 4 to remove the encroachment made by the 5th respondent in a public pathway situated in between Survey Nos.486/5 and 477 at Kulathur Village, Thoothukudi District, by considering the petitioner's representation dated 14.09.2015 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan
For R1 to R4 : Mr.P.T.Thiraviyam
Government Advocate

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in a public pathway situated in between Survey Nos.486/5 and 477 at Kulathur Village, Thoothukudi District, by considering the petitioner's representation dated 14.09.2015 within a time frame.

2. Learned Government Advocate appearing for the official respondents has produced the communication of the 3rd respondent in



W.P(MD)No.20751 of 2015

WEB COPY

Na.Ka.B7/16031/2015 dated 21.01.2023, and submitted that 'A' Register reflects that the property comprised in Survey No.486/5 stands in the name of the private parties namely, M.Chellathurai and A.Chellaiya Nadar and the property in Survey No.477/29 is classified as street. He further submitted that the 3rd respondent will consider and dispose of the petitioner's representation dated 14.09.2015 and if there is any encroachment in Survey No.477/29, the same will be removed by due process of law within a time frame.

3. Recording the aforesaid submission, the 3rd respondent is directed to consider and dispose of the representation dated 14.09.2015. If there is any encroachment in Survey No.477/29, the 3rd respondent has to conduct a survey of the place in question, if necessary, in the presence of all the parties concerned, and then remove the encroachment after providing sufficient opportunity to all the parties concerned and by following due process of law within a period of twelve weeks from the date of receipt of a copy of this order.



W.P(MD)No.20751 of 2015

WEB COPY

4. With the above direction, the Writ Petition is disposed of.

No costs.

[D.K.K.,J.] & [R.V.,J.]
23.01.2023

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

To

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Thoothukudi.

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W.P(MD)No.20751 of 2015

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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