



W.P.(MD)No.21165 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **03.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.21165 of 2023

S.Balakrishnan

...Petitioner

-Vs.-

1.The District Collector,
Collectorate,
Thoothukudi.

2.The District Revenue Officer,
Collectorate,
Thoothukudi.

3.The Revenue Divisional Officer,
Thiruchendur Revenue Division,
Thiruchendur,
Thoothukudi District.

4.The Tahsildar,
Eral Taluk Office,
Thoothukudi District.

5.The Executive Officer,
Town Panchayat Office,
Thenthirupporai,
Eral Taluk,
Thoothukudi District.

...Respondents



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PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing respondents to remove all the illegal encroachments within the water spread survey fields and particularly in S.F.No. 25A/22 of Mavadipannai Village, Eral Taluk, Thoothukudi District as per the petitioner's Application dated 10.02.2023 in accordance with law.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.N.Sathish Kumar
Additional Government Pleader

ORDER

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

The writ petitioner claims that S.F.No.25A/22 of Mavadipannai Village, Eral Taluk, Thoothukudi District, is a public pathway. According to him, in the said survey field, cement roads have been laid by the Town Panchayat and it is a common pathway that is being used by the villagers belonging to Mavadipannai Village. According to him, the property has been encroached by certain persons. Therefore, he has come forward with this Writ Petition seeking for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachment.



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2. Pending the Writ Petition, learned Government Pleader has produced a written instruction dated 02.10.2023, enclosing the proceedings of the Tahsildar to the Executive Officer of Thenthiruporai, Eral Taluk. As per the said proceedings, they have found encroachment in S.F.No.25A/22 and sought two weeks time for removing the encroachment.

3. Learned Additional Government Pleader assures that the encroachment will be removed on the basis of the proceedings in Na.Ka.Aaa.1/995/2023 dated 02.10.2023 within a period of four weeks. The said submission is placed on record and the respondents are directed to remove the encroachment that they have found in S.F.No.25A/22 of Mavadipannai Village, Eral Taluk, Thoothukudi District, after following the procedure of law within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition stands disposed of. No costs.

[S.M.S.J.,] & [V.L.N.J.,]
03.10.2023

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

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

SJ

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