



W.P(MD)No.24633 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM:

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

W.P(MD)No.24633 of 2022

Jeyaraman

... Petitioner

-VS-

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Melur, Madurai District.

3.The Thasildhar,
Melur Taluk,
Madurai District.

4.The Block Development Officer,
Melur, Madurai District.

5.Murugan

6.Rajeswari

7.Chellapandi

8.Thangam

9.The Block Development Officer,
Kottampatti,
Madurai District.

... Respondents

(R9 impleaded vide order of this Court dated
31.08.2023 made in W.M.P.(MD) No.15971
of 2023 in W.P.(MD) No.24633 of 2022 by
SSSRJ & DBCJ)



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PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents No.1 to 4 to remove the encroachment made in Sy.No.485, Mathipichanpatti Village, Melavalavu, Melur Taluk and Madurai District by considering the petitioner's representation dated 11.10.2022.

For Petitioner : Mr.R.Balakrishnan
For Respondents 1 to 3 : Mr.J.K.Jeyaseelan
Government Advocate
For Respondents 4 & 9 : Mr.S.P.Maharajan
Special Government Pleader
For Respondents 4 to 8 : No appearance

ORDER

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

The petitioner has filed the Writ Petition for issuance of a Writ of Mandamus, to direct the Respondents 1 to 4 to remove the encroachment made in Survey No.485, Mathipichanpatti Village, Melavalavu, Melur Taluk and Madurai District, by considering the representation of the petitioner dated 11.10.2022.

2. The petitioner has also impleaded respondents 5 to 8, who according to the petitioner are encroachers. It is the specific case of the petitioner that the respondents 5 to 8 have blocked the road of the Village people by reducing it from 40 feet to a lane by encroachment. The encroachment, according to the petitioner, is at S.No.485, Mathipichanpatti Village, Melavalavu, Melur Taluk and Madurai District.



W.P(MD)No.24633 of 2022

3. The case of the petitioner is seriously disputed even by the revenue officials. Even at the time of admission, on instructions, the learned Government Advocate appearing for the petitioners 1 to 3 has stated that there is no encroachment in the lane, which is available only in S.No.485/5. Therefore, this Court directed the official respondents to file a counter affidavit giving details.

4. In the counter affidavit filed by the third respondent, namely, the Tahsildar, it is stated that S.No.485 is divided into various survey divisions and Survey No.485/5 is classified as a Santhu (Lane). It is stated that there is no encroachment by the private respondents. It is also stated that the property in S.Nos.485/6, 485/7 and 485/8 are the private lands which are standing in the name of the private persons. The Tahsildar has also vouched the fact that he made an inspection on the basis of the petitioner's representation and found that there is no encroachment by any adjacent owners.

5. In the said circumstances, this Court finds no merit in the Writ Petition and accordingly, recording the submissions made in the counter affidavit of the third respondent, the Writ Petition is dismissed. No costs.

[S.S.S.R, J.] [D.B.C., J.]
31.08.2023

Index : Yes / No
Neutral Citation : Yes / No
sj



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