



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2023**

CORAM:

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

W.P(MD)NO.22713 of 2023

P.Sivaramalingam

:Petitioner

.VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Melur Taluk,
Madurai District.
- 3.The Commissioner,
Kottampatti Panchayat Union,
Melur Taluk,
Madurai District.
- 4.The Block Development Officer,
Kottampatti Panchayat Union,
Melur Taluk,
Madurai District.
- 5.The President,
Sokkalingapuram Panchayat,
Kottampatti Panchayat Union,
Melur Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made on the public pathway in S.No.218/55 and 218/14, Manalmettupatti, Sokkalingapuram Village, Melur Taluk, Madurai District and to lay the road.

For Petitioner : M/s.J.Balameenakshi

For Respondents : Mr.M.Lingadurai
1 and 2 Special Govt.Pleader

For Respondents : Mr.J.K.Jeyaseelan
4 and 5 Govt.Advocate

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made on the public pathway in S.No.218/55 and 218/14, Manalmettupatti, Sokkalingapuram Village, Melur Taluk, Madurai District and to lay the road.

2.Mr.M.Lingadurai, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.J.K.Jeyaseelan, learned Government Advocate takes notice for the respondents 4 and 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.Unfortunately, the Petitioner has not impleaded the alleged encroachers, who according to the Petitioner, are in encroachment.

The contention of the Petitioner is that there are several individuals, who are residing in the same village, have encroached the public road. The petitioner has produced before this Court few photographs to indicate that there is a pathway which is in existence and it is being used by the public. Whether third parties are in encroachment can only be decided in the presence of the alleged encroachers and hence the Writ Petition is dismissed only on the ground of non-joinder of necessary and proper parties. It is open to the Writ Petitioner to file fresh Writ Petition impleading such encroachers with specific averments/allegations against them, as to the nature of encroachment, if the alleged encroachment in the public street/pathway.

[S.S.S.R.,J.] [D.B.C,J.]
19.09.2023

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

vsn

To

3/5



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY,J.

vsn

ORDER MADE IN
W.P(MD)No.22713 of 2023

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