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W.P.(MD) Nos.25298 of 2022 & 1403 & 2184 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM:

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

**W.P.(MD) Nos.25298 of 2022 & 1403 & 2184 of 2023
and**

W.M.P.(MD) No.19395 of 2022

W.P.(MD) No.25298 of 2022:

Mohana

... Petitioner

-VS-

- 1.The District Collector
Trichy District, Trichy
- 2.The Revenue Divisional Officer
Trichy District, Trichy
- 3.The Commissioner
Trichy City Corporation
Trichy
- 4.The Tahsildar
Trichy West Taluk
Trichy District



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5.The Assistant Commissioner
Ponmalai Zone
T.V.S.Tollgate
Trichy City Corporation
Trichy

6.The Junior Engineer
Trichy City Corporation
Ward Office, Santhanur Main Road
Trichy

7.The Head Surveyor
Trichy City Corporation
Corporation Office
Trichy

8.Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 from converting the petitioner's land comprised in Old Survey No.199/8, Survey No.230/11E and R.S.No.122/16, R.S.No.105/16, situated at Pirattiyur East Village, Trichy District, into street except due process of law.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1, R2 & R4
Mr.R.Baskaran
for M/s.R.B.Associates
Standing Counsel for R3, R5 to R7
Mr.S.Ramsundar Vijayraj for R8



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W.P.(MD) No.1403 of 2023:

Sivakumar

... Petitioner

-VS-

- 1.The District Collector
Trichy District, Trichy
- 2.The Revenue Divisional Officer
Trichy District
- 3.The Commissioner
Trichy City Corporation
Trichy District
- 4.The Tahsildar
Trichy West Taluk
Trichy District
- 5.The Assistant Commissioner
Ponmalai Zone
T.V.S.Tollgate
Trichy City Corporation
Trichy
- 6.The Junior Engineer
Trichy City Corporation
Ponmalai, Santhanur Main Road
Trichy
- 7.The Head Surveyor
Trichy City Corporation
Corporation Office
Trichy
- 8.Mohana

... Respondents



W.P.(MD) Nos.25298 of 2022 & 1403 & 2184 of 2023

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to remove the encroachment made in the pathway by the eighth respondent in Survey T.S.No.126/2 in Piratiyur Village, AJ Ward, Block No.18, Tiruchirappalli West, Tiruchirappalli District.

For Petitioner : Mr.S.Ramsundar Vijayraj

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1, R2 & R4
Mr.R.Baskaran
for M/s.R.B.Associates
Standing Counsel for R3, R5 to R7
Mr.T.Lenin Kumar for R8

W.P.(MD) No.2184 of 2023:

P.Swapna

... Petitioner

-VS-

- 1.The District Collector
Trichy District, Trichy
- 2.The Revenue Divisional Officer
Trichy District
- 3.The Commissioner
Trichy City Corporation
Trichy District



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4.The Tahsildar
Trichy West Taluk
Trichy District

5.The Assistant Commissioner
Ponmalai Zone
T.V.S.Tollgate
Trichy City Corporation
Trichy

6.The Junior Engineer
Trichy City Corporation
Ponmalai, Santhanur Main Road
Trichy

7.The Head Surveyor
Trichy City Corporation
Corporation Office
Trichy

8.Mohana

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to remove the encroachment made in the pathway by the eighth respondent in Survey T.S.No.126/2 in Piratiyur Village, AJ Ward, Block No.18, Tiruchirappalli West, Tiruchirappalli District.



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W.P.(MD) Nos.25298 of 2022 & 1403 & 2184 of 2023

For Petitioner : Mr.T.Dinesh

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1, R2 & R4
Mr.R.Baskaran
for M/s.R.B.Associates
Standing Counsel for R3, R5 to R7
Mr.T.Lenin Kumar for R8

COMMON ORDER

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

The prayer in both W.P.(MD) Nos.1403 & 2184 of 2023 is for issuance of a writ of mandamus directing the respondents 1 to 7 to remove the encroachment made by the eighth respondent in the pathway comprised in T.S.No.126/2 of Piratiyur Village, AJ Ward, Block No.18, Tiruchirappalli West, Tiruchirappalli District.

2. Whereas, the prayer in W.P.(MD) No.25298 of 2022 is for issuance of a writ of mandamus directing the respondents 1 to 7 from converting the petitioner's land comprised in Old Survey No.199/8, Survey No. 230/11E and R.S.No.122/16, R.S.No.105/16 of Pirattiyur East Village, Trichy District, into a street, except due process of law.



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3. Today, when the matter was taken up for hearing, learned Standing Counsel appearing for the respondent – Corporation submitted a copy of the surveyor's report, which would reveal that one Mohana, who is the petitioner in W.P.(MD) No.25298 of 2022 and eighth respondent in W.P.(MD) Nos.1403 & 2184 of 2023, has constructed a compound wall on the street affecting the ingress and egress of the other people residing in that locality.

4. In view of the above surveyor's report, the Revenue Divisional Officer, Trichy District and the Tahsildar, Trichy West Taluk, are directed to verify the revenue records and ascertain the correctness of the surveyor's report and accordingly, initiate all appropriate steps. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. If the said Mohana, who is the petitioner in W.P.(MD) No.25298 of 2022 and eighth respondent in W.P.(MD) Nos.1403 & 2184 of 2023, claims any title over the property, it is left open to her to approach the competent Civil Court for the purpose of establishing her civil rights in the manner known to law.



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6. With the above directions, all the writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

04.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Trichy District, Trichy.
- 3.The Tahsildar,
Trichy West Taluk,
Trichy District.



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W.P.(MD) Nos.25298 of 2022 & 1403 & 2184 of 2023

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

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W.P.(MD) Nos.25298 of 2022 & 1403
& 2184 of 2023
and
W.M.P.(MD) No.19395 of 2022

04.10.2023