



W.P.(MD)No.24093 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)No.24093 of 2023

Muthusamy

Vs.

... Petitioner

- 1.The District Collector,
District Collector Office,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
District Revenue Divisional Office,
Aranthangi Taluk, Pudukkottai District.
- 3.The Thasildar,
Tahsildar Office,
Aranthangi & Taluk, Pudukkottai District.
- 4.The Block Development Officer,
Avudaiyarkovil Panchayat Union,
Avudaiyarkovil Post and Taluk,
Pudukkottai District.
- 5.The Panchayat President,
Kezhaheri Village Panchayat,
Aranthangi Taluk,
Pudukkottai District.



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6.The Inspector of Police,
Avudaiyarkovil Police Station,
Avudaiyarkovil Taluk, Pudukkottai District.

7.Tamilarasi

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second and fourth respondents to remove the encroachment made by the seventh respondent with help of the sixth respondent in the common public pathway situated in SF.No.182/12 by considering the representation made by the petitioner dated 30.08.2023 to the above said respondents and thereby forbearing the seventh respondent from making encroachments once again for the second time in future in the common public pathway and thereby ensuring that the seventh respondent shall not make any encroachments in the future permanently in the above said common public pathway and consequently direct the fourth respondent to utilize the funds allotted exclusively for the purpose to lay concrete road in the above said SF No.182/12 to the extent of 4 meter in breath and 88 meter in length (0.04.0 Ares) and lay concrete road.

For Petitioner : Mr.A.Arul Jennifer

For R1 to R6 : Mr.S.Shanmugavel,

Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

With reference to the relief sought for in the present Writ Petition, the learned Additional Government Pleader for the respondents 1 to 6 has submitted a



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copy of the written instructions given by the Tahsildar, Aranthangi / 3rd respondent to him vide letter dated 03.10.2023. As per the said written instructions, the encroachments in the subject land had already been removed and it is brought to our notice that there is no encroachment as of now and the people are using the pathway.

2.That being the factum, this Writ Petition deserves no further consideration and accordingly, stands dismissed. The official respondents are directed to maintain the public pathway free from any further encroachments or otherwise. The roads and public pathway must be always free from encroachment for the usage of the public at large and thus, the authorities competent shall ensure that the encroachments in public pathway and roads are removed then and there. No costs.

(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

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AND

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