



W.P(MD)No.21104 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.21104 of 2017

Chandrasekaran

... Petitioner

vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The District Revenue Officer,
Collectorate, Sivagangai.

3. The Revenue Divisional Officer,
Devakkottai, Sivagangai District.

4. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

5. Amutha

6. Lakshmanan

7. Sumathi

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 4 to remove the encroachment made by the 5th to 8th respondents at public pathway in Survey Nos.319/6, 320/7 situated at Nenmeni Village, Midhravayal post, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.S.A.Ajmalkhan
For R1 to R4 : Mr.P.Thilak Kumar, Government Pleader
For R5 : Mrs.Karthiga for M/s.Right Law Associates
For R6 & R7 : Mr.C.Jeyaprakash

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 4 to remove the encroachment made by the respondents 5 to 8 at public pathway in Survey Nos.319/6, 320/7 situated at Nenmeni Village, Midhravayal post, Karaikudi Taluk, Sivagangai District.

2. Learned counsel for the petitioner submitted that the aforesaid Survey Nos.319/6, 320/7 are classified as common pathway



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which has been encroached upon by the private respondents. Though the petitioner made several representations to the official respondents lastly on 17.07.2017, till date, the aforesaid encroachments have not been removed by the official respondents. Hence, this writ petition.

3. Though the writ petition is pending from 2017 onwards, till date, no counter affidavit is filed by the official respondents.

4. Learned Government Pleader appearing for the official respondents submitted that the 4th respondent will consider and dispose of the petitioner's representation dated 17.07.2017 within a time frame and appropriate action to remove the encroachment, if any, in the place in question will be taken within a time frame, for which, learned counsel for the petitioner has agreed.

5. Recording the aforesaid submission, we direct the 4th respondent to consider and dispose of the petitioner's representation dated 17.07.2017 on merits and in accordance with law. If there is



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any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, appropriate action to remove the encroachment shall be taken, after affording sufficient opportunity to all the parties concerned and by following due process of law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall send copy of the representation dated 17.07.2017 to the 4th respondent so as to enable him to comply with the directions of this Court within the stipulated time.

6. With the above direction, this Writ Petition is disposed of.

No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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[D.K.K.,J.] & [L.V.G.,J.]
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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.21104 of 2017
DATED : 21.02.2023