



WP No.30136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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N.Jayaraj

.. Petitioner

-VS-

1. The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.
2. The Block Development Officer,
Kumarapalayam, Namakkal District.
3. The President,
Anangur Village Panchayat,
Kumarapalayam Taluk,
Namakkal District.
4. P.Sathishkumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate action to remove the encroachments in panchayat comprised in Anangur Village Natham S.No.655/8 of Kumarapalayam Taluk, Namakkal District, on the basis of the petitioner's representation dated 17.07.2023.



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For the Petitioner : Mr.S.Viswanathan
for M/s Dass and Viswa Associates

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader,
Assisted by Mr.K.Karthik Jegannath
Government Advocate
For RR 1 and 2
: Mr.Selvaraj for R.4
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Viswanathan, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.Karthik Jegannath, learned Government Advocate for respondent Nos.1 and 2 and Mr.Selvaraj, learned counsel for respondent No.4.

2. Encroachment is alleged on the panchayat lane.

3. The learned State Government Pleader submits that survey was conducted and encroachment was identified and steps would be taken to remove the same.



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4. The learned counsel for respondent No.4 submits that respondent No.4 is ready to allot additional land for the lane, however, the construction be protected.

5. The learned counsel for respondent No.4 may make an application to the authority concerned. It is for the authority to consider whether the said application would be in tune with the policy, rules and regulations and then take a decision. Pursuant to the said decision, steps be taken to remove the encroachment.

With the aforesaid observation, the writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The Tahsildar,
Kumarapalayam Taluk, Namakkal District.
2. The Block Development Officer,
Kumarapalayam, Namakkal District.
3. The President,
Anangur Village Panchayat,
Kumarapalayam Taluk, Namakkal District.

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