



W.P.(MD) No.2370 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.2370 of 2024

Amudha Anand Bai Paulraj

... Petitioner

-VS-

1.The District Collector,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli.

3.The Executive Officer,
Panagudi Special Grade Town Panchayat,
Tirunelveli.

4.S.Sugumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the public pathway situated in S.No. 748/1, Thandaiyarkulam Village, Radhapuram Taluk, Tirunelveli District based



W.P.(MD) No.2370 of 2024

WEB COPY on the proceedings of the 3rd respondent dated 10.07.2023.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed for a direction to the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the public pathway situated in S.No. 748/1, Thandaiyarkulam Village, Radhapuram Taluk, Tirunelveli District, based on the proceedings of the 3rd respondent dated 10.07.2023.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the 4th respondent also, notice to the 4th respondent is dispensed with.



W.P.(MD) No.2370 of 2024

WEB COPY

3. According to the petitioners, the fourth respondent has encroached upon the public pathway in S.No.748/1, Thandaiyarkulam Village, Radhapuram Taluk, Tirunelveli District, and put up a tin sheet and closed the pathway. Therefore, she has made a representation dated 20.09.2022 to the 2nd respondent to take action against the illegal encroachment made by the 4th respondent and since the same has not considered so far, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. According to the Special Government Pleader appearing for the respondents 1 to 3, the Sub Collector, vide his proceedings in Na.Ka.No.Aa. 8/6300/2023 dated 13.10.2023, sent to the third respondent Executive Officer, directed the Executive Officer to take appropriate action for removal of encroachment. Further, according to him, the petitioner has also made encroachments to the tune of 3.3 square meter.

5. In view of the aforesaid communication, this Court directs the 3rd respondent to consider the said communication and take appropriate decision on merits and in accordance with law within a period of twelve weeks from the date



W.P.(MD) No.2370 of 2024

of receipt of a copy of this order, after providing opportunity of hearing to the petitioner, 4th respondent and any other parties concerned. Since it is represented that the petitioner has also made encroachment, we make it clear that if the survey reveals the petitioner has also made encroachment, the same has to be removed without further notice to the petitioner.

6. With the aforesaid directions, the Writ Petition stands disposed of.

No costs.

[D.K.K., J.] [R.V., J.]
06.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

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W.P.(MD) No.2370 of 2024

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W.P.(MD) No.2370 of 2024

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