



W.P.(MD) No.3072 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM:

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

**W.P.(MD) No.3072 of 2024
and W.M.P.(MD) No.3050 of 2024**

S.Mareeswaran

... Petitioner

-VS-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4.The President,
Santhayur Panchayat Union,
Virudhunagar Panchayat Union,
Virudhunagar District.

5.A.Seenivasan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein to remove the encroachment i.e. Steel Shed and a Bheedam made by the 5th respondent in the Sarkar Porompoke situated in S.No.51/63 at Santhayur Village, Sattur Taluk, Virudhunagar District which is used as public pathway by the Farmers / Common people and restore the Public Pathway to its original position based on the petitioner's representation dated 15.05.2023 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3

ORDER

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

The prayer in this Writ Petition is to direct the respondents 1 to 4 to remove the encroachment i.e. Steel Shed and a Bheedam made by the 5th respondent in the Sarkar Porompoke situated in S.No.51/63 at Santhayur Village, Sattur Taluk, Virudhunagar District, which is used as public pathway by the Farmers / Common people and restore the Public Pathway to its original position based on the petitioner's representation dated 15.05.2023 within a time frame.



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2. According to the petitioner, the property in question in S.No.51/63 at Santhayur Village, Sattur Taluk, Virudhunagar District, is a Sarkar Poramboke and therefore, action is to be taken for removal of encroachment.

3. By relying on the earlier order dated 13.04.2023, passed by this Court in W.P.(MD) No.4472 of 2023, wherein a similar relief for removal of encroachment in S.No.51/63 at Santhayur Village, Sattur Taluk, Virudhunagar District, by considering the representation dated 17.02.2023, was rejected holding that the aforesaid property is classified as Natham land and Temple site, learned Additional Government Pleader appearing for the respondents 1 to 3 stated that the present Writ Petition is also liable to be dismissed.

4. In the present Writ Petition, there is no material produced to take a view contrary to the one taken by this Court in W.P.(MD) No.4472 of 2023, dated 13.04.2023. In such circumstances, we are not inclined to entertain this Writ Petition.



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5. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
13.02.2024

Index : Yes / No

Internet : Yes / No

SJ

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk,
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and
R.VIJAYAKUMAR, J.

SJ

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