



W.P.(MD) No.5881 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.5881 of 2024

Azhagappasamy

... Petitioner

-Vs-

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Revenue Divisional Officer /
Chairperson, Divisional Monitoring Committee,
Tenkasi, Tenkasi District.

3.The Superintendent of Police,
Tenkasi District, Tenkasi.

4.The Tahsildar,
V.K.Puthar Taluk, Tenkasi District.

5.The Surveyor,
V.K.Puthar Taluk, Tenkasi District.

6.Krishnaswamy

7.Vellathurai

8.Murugeswari

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized encroachment made by the respondents 5 to 7 on the common pathway situated in Survey No.757/7 of Uthumalai Village, V.K.Pudur Taluk, Tenkasi District on the basis of the petitioner's representation dated 06.01.2024.

For Petitioner : Mr.M.Sankar
For R1, R2, : Mr.P.Thilakkumar,
R4 & R5 Government Pleader
For R3 : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents 1, 2, 4 and 5, Mr.S.S.Madhavan, learned Government Advocate (Crl.Side) takes notice for the 3rd respondent. Considering the nature of order going to be passed in this Writ Petition, notice to the respondents 6 to 8 is dispensed with.



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3.The learned Government Pleader appearing for the respondents 1, 2, 4 and 5, based on the written instructions from the 4th respondent dated 12.03.2024, submitted that based on the representation of the petitioner, survey has been conducted in the presence of the petitioner and 6th respondent and during survey, it is found that there is no encroachment as alleged by the petitioner in the common pathway and there are only hallow blocks in the common pathway.

4.Recording the aforesaid submission made by the learned Government Pleader, this Writ Petition is dismissed with cost of Rs.5,000/- (Rupees Five Thousand Only) to the credit of the Environmental Fund Operated by Member Secretary, Tamil Nadu State Legal Services Authority [Account No.6656485009; IFSC Code: IDIB000H040, High Court Branch, Chennai] on or before 26.03.2024.

5.Post the matter 27.03.2024 for reporting compliance.

[D.K.K., J.] & [R.V., J.]
12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva

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To

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AND

R.VIJAYAKUMAR, J.

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