



W.P.(MD)No.4230 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM:

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

W.P.(MD)No.4230 of 2024

G.Kanagaraj

... Petitioner

-Vs-

1. The District Collector,
Trichy District.

2. The Tahsildar,
Thottiyam Taluk,
Trichy District.

3. The Block Development Officer,
Thottiyam Union,
Trichy District.

4. The President,
Unniyur Village Panchayat,
Thottiyam Union,
Trichy District.

5. C.Ganesan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to measure the common lane in Survey No.245/30 situate in Unniyur village, Thottiam Taluk, Trichy District and to remove the encroachments so as to enable the 3rd and 4th respondents to lay the cement road.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R1 & R2

ORDER

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

The Writ Petition has been filed for issuing a direction to the respondents to measure the common lane in Survey No.245/30 situated in Unniyur Village, Thottiam Taluk, Trichy District and to remove the encroachments so as to enable the 3rd and 4th respondents to lay the cement road. by considering the petitioner's representation dated 05.01.2024 within a time frame.



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2. By consent of both sides, this Writ Petition is taken up for final disposal 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 5th respondent also, notice to the 5th respondent is dispensed with.

3. According to the petitioner, the subject property, which is situated in Survey No.245/30 in Unniyur Village, Thottiam Taluk, Trichy District, is a common pathway, measuring 2 meters breadth, in the southern side of his property. The pathway was encroached by the 5th respondent by constructing the parapet. In this regard, the petitioner has made a representation to the authorities seeking removal of encroachments in the said property. Since the said representation has not been considered so far, the petitioner is constrained to move the present Writ Petition.

4. The learned Government Advocate appearing for the respondents 1 & 2 would submit that the authorities will look into the complaint of the petitioner.



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5. In view of the above, the respondents 2 & 3 are directed to consider the representation of the petitioner dated 05.01.2024 and to pass appropriate orders to remove encroachment in accordance with law, after providing fair opportunity to the 5th respondent and any other interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs.

[D.K.K., J.] [R.V., J.]
23.02.2024

Index : Yes / No
Internet : Yes / No
PJL



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To

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Trichy District.

2.The Tahsildar,
Thottiyam Taluk,
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and
R.VIJAYAKUMAR, J.

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