



W.P.(MD) No.13079 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13079 of 2024

V.Alexraj

... Petitioner

-VS-

- 1.The District Collector /
Monitoring Committee by Chair Person
Tirunelveli District, Tirunelveli
- 2.The Block Development Officer
(Village Panchayat)
Valliyoor, Tirunelveli District
- 3.The Tahsildar (Revenue)
Radhapuram
Tirunelveli District

4.S.Mani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents 2 and 3 to take appropriate legal action for removing the encroachment as made by the fourth respondent in the main road in front of his house in Survey No.934 and Resurvey No.17-



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A, Mariyasingapuram Street, Perungudi Part-I Village, Vadakkankulam Panchayat, Tirunelveli District in pursuance of the reply communication as made by the second respondent to the petitioner under Reference Na.Ka.No.B3/2981/2023 dated 15.06.2023 forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R3
Mr.A.Kannan
Additional Government Pleader for R2

ORDER

R.MAHADEVAN, A.C.J.
And
G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner, learned Additional Government Pleaders for the respondents 1 to 3.

2. Issuance of notice to the private respondent is dispensed with.

3. The petitioner alleges that the fourth respondent herein has encroached upon the petition mentioned pathway. He wants action to be taken.



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4. We direct the second respondent herein to issue notice to the fourth respondent under Section 131 of the Tamil Nadu Panchayats Act, 1994. If the fourth respondent fails to comply with the demand set out therein, the second respondent shall refer the matter to the third respondent, who shall take action under the provisions of the Tamil Nadu Land Encroachment Act, 1905. During enquiry, if it is found that there is an encroachment, the same shall be removed in accordance with law. We make it clear that we have not gone into the merits of the matter. All the contentions and defence of the fourth respondent are left open.

5. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., A.C.J.] [G.R.S., J.]
19.06.2024

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

krk / ias



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