



W.P.(MD) No.5099 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5099 of 2024

S.Perumalsamy

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Thasildar/Monitoring Committee,
Office of the Tahsildar,
Vembakottai Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
Vembakottai Taluk,
Virudhunagar District.
- 4.K.Ganesan
5.P.Ayyalusamy

... Respondents

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 encroachment

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made by the respondents 4 and 5 in common pathway comprised in Survey No. 409 through survey Nos.396/1A, 396/10B, 396/13A, 396/13B to 396/12 situated in Muthusamipuram Village, Kundayiruppu Revenue Village, Vembakottai Taluk, Virudhunagar District based on the order passed by the second respondent in Na.Ka.Aa1/959/2023 dated 23.09.2023 within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.Ponsaravanan
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mr.T.Amjadkhan
Government Advocate

ORDER

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

This writ petition has been filed to direct the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in the common pathway comprised in Survey No.409 through survey Nos.396/1A, 396/10B, 396/13A, 396/13B to 396/12 situated in Muthusamipuram Village, Kundayiruppu Revenue Village, Vembakottai Taluk, Virudhunagar District based on the order passed by the second respondent in Na.Ka.Aa1/959/2023 dated 23.09.2023 within the stipulated time that may be fixed by this Court.



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2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the first and second respondents and Mr.T.Amjadkhan, learned Government Advocate takes notice for the third respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.With a grievance that the representation made by the petitioner on 23.09.2023 seeking removal of encroachment in the petition mentioned property has not been considered by the authorities concerned, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submits that the properties in survey Nos.396/1A, 396/10B, 396/13A, 396/13B to 396/12 situated in Muthusamipuram Village, Kundayiruppu Revenue Village, Vembakottai Taluk, Virudhunagar District are the common pathway. In the said pathway, the private respondents herein had made encroachments. Hence, one of the adjacent land owners, namely A.Subbiah, lodged a complaint. Based on the same, the second respondent issued notices to the encroachers. Thereafter, the second respondent



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vide his communication dated 23.09.2023, directed the third respondent to remove the encroachments made by private respondents herein in the petition mentioned properties. However, the third respondent has not taken any action for removal of such encroachment.

5.We have perused the entire materials placed on record. Admittedly, the Tahsildar, after conducting necessary enquiry had directed the Block Development Officer to remove the encroachments made in the subject property. When there is no other legal impediment for the Block Development Officer to remove the encroachment, it is for him to do the same. But the Block Development Officer has not taken any steps for the reasons best know to him.

6.Therefore, this Court directs the Block Development Officer/third respondent to take necessary action for removal of encroachments made by the private respondents herein in the common pathway based on the communication sent by the Tahsildar/second respondent. The said action shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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

[D.K.K., J.] & [R.V., J.]
05.03.2024

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

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Virudhunagar District.
2. The Thasildar/Monitoring Committee,
Office of the Tahsildar,
Vembakottai Taluk,
Virudhunagar District.
3. The Block Development Officer,
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