



W.P.(MD) No.6335 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM:

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

AND

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

W.P.(MD)No.6335 of 2024

Syed Ali Fathima

... Petitioner

-Vs-

1.The District Collector / Monitoring Committee,  
Madurai District, Madurai.

2.The Block Development Officer,  
Madurai East Panchayat Union,  
Racecourse Road, Madurai.

3.The Tahsildar,  
Taluk Office,  
Y.Othakadai, Madurai East Taluk,  
Madurai District.

4.The Panchayat President,  
Sakkimangalam Village Panchayat,  
Sakkimangalam, Madurai East Taluk,  
Madurai District.

5.Peer Mohammed

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment

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caused by the 5<sup>th</sup> respondent in common lane in Survey No.225/20 situated at Sakkimangalam Village, Madurai East Taluk, Madurai District based on the petitioner's representation dated 28.02.2024 within stipulated time fixed by this Court.

For Petitioner : Mr.S.K.Muthamil Venthan  
For R1 & R3 : Mr.T.Amjadkhan, Government Advocate  
For R2 & R4 : Mr.N.Satheesh Kumar,  
Additional Government Pleader

### **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.T.Amjadkhan, learned Government Advocate takes notice for the respondents 1 and 3 and Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents 2 and 4. Considering the nature of order going to be passed in this Writ Petition, notice to the 5<sup>th</sup> respondent is dispensed with.

3.According to the petitioner, her representation dated 28.02.2024, seeking removal of the encroachment made by the 5<sup>th</sup> respondent in the common



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lane in Survey No.225/20 situated at Sakkimangalam Village, Madurai East Taluk, Madurai District, has not been considered so far. Therefore, she is constrained to move the present Writ Petition.

4.Considering the facts and circumstances of the case, without going into the merits of the case, we direct the 3<sup>rd</sup> respondent to conduct a survey in the common lane, after issuing notice to all the parties concerned and during survey, if it is found that there is an encroachment, remove the same by following due process of law after providing opportunity to all the parties concerned. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

**[D.K.K., J.] & [R.V., J.]**  
**15.03.2024**

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

*Yuva*



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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

*Yuva*

To

- 1.The District Collector / Monitoring Committee,  
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