



W.P(MD)No.7758 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM :

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

W.P(MD)No.7758 of 2024

Mounasamy

... Petitioner

vs.

1. The District Collector,
Dindigul District.

2. The Tahsildar,,
Oddanchatram Taluk,
Dindigul District.

3. The Block Development Officer,
Thoppampatti Village Panchayat,
Oddanchatram Taluk,
Dindigul District.

4. The President,
Porulur Village Panchayat,
Oddanchatram Taluk,
Dindigul District.

5. A.Kuppana Gounder

6. P.Arumuga Gounder

7. S.Kuppusamy

8. K.Kuppusamy



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9. S.Kuppana Gounder

10. K.Kuppusamy

11. Chandramathi

12. K.Kuppusamy

13. Kuppathal

14. Sumathi

... 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 made by the respondents 5 to 14 on the detailed pathway passing through Survey Nos.842 to 846 at Porulur Village by considering the representation dated 24.02.2022 within a time frame.

For Petitioner	: Mr.D.Venkatesh
For R1 & R2	: Mr.N.Satheesh Kumar Additional Government Pleader
For R3 & R4	: Mr.S.P.Maharajan Special Government Pleader
For R5 & R7 to R11	: Mr.N.Rajasekar
For R12	: No appearance



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ORDER

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

Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader for the respondents 1 and 2, learned Special Government Pleader for the respondents 3 and 4 and the learned counsel for the private respondents.

2. The allegation made by the petitioner is that the petition mentioned pathway has been encroached upon by the private respondents. He wants the same to be removed. The assertions made by the petitioner are controverted by the private respondents. We refrain from going into the merits of the matter at this stage.

3. We direct the 4th respondent to take action under Section 131 of the Tamil Nadu Panchayats Act, 1994. If the 4th respondent after hearing the private respondents and other interested persons, if any, comes to the conclusion that there is encroachment of public pathway, then he will call upon the encroachers to remove the encroachment. If the said demand is not complied with, the 4th



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respondent will have to refer the matter to the 2nd respondent. In that event, the 2nd respondent will have to invoke his power under the provisions of the Tamil Nadu Land Encroachment Act, 1905. when the 2nd respondent initiates action, the noticees can avail all the statutory remedies open to them. All that we direct is that if encroachment of public pathway is noticed, it shall be removed. Due process of law will be adhered to. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs.

[R.M.D., A.C.J.] & [G.R.S., J.]
20.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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