



W.P(MD)No.10666 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.10666 of 2024

T.R.Rajan

... Petitioner

VS.

1.The District Collector,
Collector Office,
Virudhunagar District.

2.The Revenue Divisional Officer,
Arupukottai Taluk, Virudhunagar District.

3.The Tahsildar,
Arupukottai Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
K.Chettikulam Village,
Arupukottai Taluk,
Virudhunagar District.

5.The Village Administrative Officer,
Pullanaickan Patti Village,
Arupukottai Taluk,
Virudhunagar District.

6.Thamil Selvi
7.Venkateswaran

... Respondents

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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the official respondents to take immediate action on the representations of the petitioner dated 10.04.2024 and 14.04.2024 respectively and restore the cart track that are available in Survey Nos.4/1A, 4/1B, 6, 7, 8, 11, 12, 14, 15, 18 and 19 of Pullanaickanpatti Village as well as the cart track found in Survey Nos.51, 54, 61, 63, 64, 65, 66, 94 of K.Chettikulam Village as it is found in the Village map within the time frame stipulated by this Court.

For Petitioner : Mr.Ananthapadmanabhan

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for R.1 to R.5

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein in this Writ Petition is to direct the official respondents to take immediate action on the representations of the petitioner dated 10.04.2024 and 14.04.2024 respectively and restore the cart track that is available in Survey Nos.4/1A, 4/1B, 6, 7, 8, 11, 12, 14, 15, 18 and 19 of Pullanaickanpatti Village as well as the cart track found in Survey Nos.51, 54, 61, 63, 64, 65, 66, 94 of K.Chettikulam Village as it is found in the Village map within the time frame stipulated by this Court.



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2.Insofar as Survey Nos.4/1A, 4/1B, 6, 7, 8, 11, 12, 14, 15, 18 and 19 of Pullanaickanpatti Village as well as Survey Nos.51, 54, 61, 63, 64, 65, 66, 94 of K.Chettikulam Village, Virudhunagar District, according to the petitioner it is a public cart track which is being encroached or occupied by the private respondents ie., respondents 6 and 7. Therefore, in order to remove such encroachments, the petitioner has given representations on 10.04.2024 and 14.04.2024 to the official respondents and in order to consider the said representations and to do the needful seeking a writ of Mandamus, the present Writ Petition has been filed.

3.Heard Mr.Ananthapadmanabhan, learned senior counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who has taken notice for the respondents 1 to 5. In view of the order that is going to be passed in this Writ Petition, notices to the respondents 6 and 7 are dispensed with.

4.That the learned Government Pleader appearing for the respondents 1 to 5 would contend that based on the representations that have been given by the petitioner, the land in question would be surveyed by the Revenue Department, of course, in the presence of the petitioner as



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well as respondents 6 and 7 and after completing the survey, if any encroachment is taken place on behalf of the respondents 6 and 7 or any other third party in the land in question, which is a public cart track, necessary action to remove such encroachment would be taken thereafter. The submission made by the learned Government Pleader appearing for the respondents 1 to 5 is taken on record.

5.Considering the same, the following orders are passed in this Writ Petition:

'That there shall be a direction to the respondents, especially respondents 2 and 3 to consider the representations of the petitioner, dated 10.04.2024 and 14.04.2024, pursuant to which, the revenue authorities shall undertake a survey of the land in question by giving notice to both the petitioner as well as respondents 6 and 7 and after survey, if any encroachment is found upon in the land in question, the same shall be removed in accordance with law within a period of two months from the date of receipt of a copy of this order.'



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6.With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
30.04.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
Collector Office,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Arupukottai Taluk,
Virudhunagar District.
- 3.The Tahsildar,
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- 4.The Village Administrative Officer,
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Arupukottai Taluk,
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- 5.The Village Administrative Officer,
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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DATED : 30.04.2024