



W.P.(MD) No.12792 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

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

AND

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

W.P.(MD)No.12792 of 2023

A.Muthukaruppan

... Petitioner

-Vs-

- 1.The District Collector,  
Office of the District Collector,  
Sivagangai District.
- 2.The Revenue Divisional Officer,  
The Revenue Divisional Office,  
Sivagangai District.
- 3.The Tahsildar,  
Office of the Tahsildar,  
Tirupuvanam Taluk, Sivagangai District.
- 4.The Block Development Officer,  
Tiruppuvanam Taluk, Sivagangai District.
- 5.The Superintendent of Police,  
Office of the Superintendent of Police,  
Sivagangai District.
- 6.Mayandi



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7.Sivakumar  
8.Rajendran  
9.Sasngaiah  
10.Sadaichiyammal  
11.Sadaiyandi  
12.Pappa  
13.Malaichamy

... Respondents

(R6 to R13 are impleaded vide Court order dated 13.09.2023 in W.M.P.(MD)No. 13957 of 2023 in W.P.(MD)No.12792 of 2023)

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to remove the encroachment in common pathway comprised in Survey Nos.509/2, 510/30, 505/14, 505/20, 505/26 and 511/1 situated at Sangakulam Village, Tirupuvanam Taluk, Sivagangai District encroached by the adjacent land owners based on the representation dated 10.03.2023 sent by the petitioner to the respondents 1 to 5 and the order passed by this Court in W.P.(MD)No.24337 of 2022.

(prayer amended vide Court order dated 25.07.2023)

|                |                                                      |
|----------------|------------------------------------------------------|
| For Petitioner | : Mr.S.Ponsaravanan                                  |
| For R1 to R4   | : Mr.P.Thilakkumar,<br>Government Pleader            |
| For R5         | : Mr.S.S.Madhavan,<br>Government Advocate (Crl.Side) |
| For R6 to R11  | : No Appearance                                      |
| For R13        | : Mr.P.Surliraja                                     |



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## **ORDER**

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

This Writ Petition is filed seeking for a direction to the respondents 1 to 5 to remove the encroachment in common pathway comprised in Survey Nos.509/2, 510/30, 505/14, 505/20, 505/26 and 511/1 situated at Sangakulam Village, Tirupuvanam Taluk, Sivagangai District made by the adjacent land owners, based on the representation dated 10.03.2023 sent by the petitioner to the respondents 1 to 5 and the order passed by this Court in W.P.(MD)No.24337 of 2022.

2.Today, when the matter is taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 4 submitted that the authorities concerned conducted survey of the lands in question and during survey, it is found that there are encroachments by the private respondents. Therefore, notice has been served to the encroachers under Section 131(2) of Tamil Nadu Panchayats Act. He further undertakes that necessary action would be taken for removal of the encroachment in the lands in question by following due process of law, within the time to be fixed by this Court.



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3.In view of the said submission, this Writ Petition stands disposed of with a direction to the 3<sup>rd</sup> respondent to proceed further for removal of the encroachments by following due process of law and complete the same within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**[D.K.K., J.] & [R.V., J.]**  
**13.03.2024**

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

*Yuva*

To

- 1.The District Collector,  
Office of the District Collector,  
Sivagangai District.
- 2.The Revenue Divisional Officer,  
The Revenue Divisional Office,  
Sivagangai District.
- 3.The Tahsildar,  
Office of the Tahsildar,  
Tirupuvanam Taluk, Sivagangai District.
- 4.The Block Development Officer,  
Tiruppuvanam Taluk, Sivagangai District.



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5. The Superintendent of Police,  
Office of the Superintendent of Police,  
Sivagangai District.



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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

*Yuva*

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**13.03.2024**