



W.P(MD)No.12636 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM:

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

W.P(MD)No.12636 of 2024

Sakthivel

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Karur District.
- 2.The Tahsildar,
Karur Taluk,
Karur District.
- 3.The Executive Secretary,
Uppidimangalam Town Panchayat,
Uppidimangalam,
Karur District.
- 4.The President,
Uppidimangalam Town Panchayat,
Uppidimangalam,
Karur District.
- 5.Thangarasu
- 6.Chidhambaram
- 7.Nagulsamy
- 8.Muthu

... 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 respondents 1 to 4 to remove the encroachment made by the respondents 5 to 8 in the public pathway situated in Survey No.2073, Chinnagoundanoor, Uppidimangalam Town Panchayat, Karur Taluk, Karur District, considering the petitioner's representation dated 04.06.2024 within the time stipulated by this Court.

For Petitioner	: Mr.B.Santhanam Rajesh Kumar
For Respondents	: Mr.P.Thilak Kumar Government Pleader for R.1 to R.4

ORDER

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

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 8 in the public pathway situated in Survey No.2073, Chinnagoundanoor, Uppidimangalam Town Panchayat, Karur Taluk, Karur District, considering the petitioner's representation, dated 04.06.2024 within the time stipulated by this Court.

2.It is the allegation of the petitioner that in Survey No.2073 at Chinnagoundanoor, Uppidimangalam Town Panchayat, Karur Taluk and



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District, which is a public pathway leading to the colony where the petitioner and other people are residing is being encroached upon by the private respondents herein. Therefore, in order to remove such encroachment, the petitioner has moved the present Writ Petition.

3.Heard Mr.B.Santhanam Rajesh Kumar, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 4. In view of the order that is proposed to be passed in this Writ Petition, notice to the respondents 5 to 8 is hereby dispensed with.

4.Even according to the learned counsel appearing for the petitioner, as he relied upon the photographs filed in the typedset of documents, there has been a black top road leading to other places adjacent to the same in the said survey number, there is a katcha road, which leads to the residential area, where the petitioner and other people are residing. It is in Survey No.2073.

5.Next to the said survey number ie., in Survey No.2074, there is a Temple called 'Mariamman Temple'. Even the photographs filed both by



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the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents 1 to 4 suggest that the black top road as well as the katcha road leading to the residential area of the petitioner and others are free from any encroachment, as not even a small encroachment has been made in either of the roads. The Temple as its front portion alone shown in the photograph has a statue of two standing horses, that itself called as a Temple is located in the extreme left side of the Katcha road, which is in no way connected with the road as in the road margin itself there has been electric post.

6.That apart, in the FMB sketch as well as in the revenue documents produced by the learned Government Pleader, Survey No.2073 has been shown as 'Chinnagoundanoor Harijana street', like that Survey No. 2074 has been shown as 'காலிநத்தம் மற்றும் மாரியம்மன் கோவில்'. Therefore, insofar as Survey No.2073 is concerned, it is no way connected with the Temple which is separately located in Survey No.2074 and Survey No.2073 still is being maintained as 'Chinnagoundanoor Harijana Street' and the photographs also which have been filed by both sides suggest the same. Therefore, the allegation made by the petitioner is not supported by any materials.

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7.In this regard, even though the learned counsel appearing for the petitioner has stated that some group of people in the Village, who are maintaining the Temple, planned to construct a compound wall whereby they are going to encroach upon the road ie., in Survey No.2073 and therefore, based on such apprehension only, the petitioner has moved the present Writ Petition.

8.Even for such apprehension there have been no materials placed before this Court, as the photographs suggest that no building materials have been procured for the purpose of the proposed construction.

9.Relying upon the photographs taken by the respondents 1 to 4 and filed before this Court, the learned Government Pleader submits that the said photographs were taken yesterday ie., on 13.06.2024 and even that photographs show that the Katcha street leading to the colony or residential area is free from any encumbrance.



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10. Therefore, based on the mere apprehension, since the petitioner has moved this Court, based on which, no indulgence can be shown to pass any orders, as has been sought for herein. Therefore, recording the aforesaid factual matrix, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
14.06.2024

NCC : Yes / No
Index : Yes / No
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To

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Karur District.
2. The Tahsildar,
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Karur District.
3. The Executive Secretary,
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Uppidimangalam,
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4. The President,
Uppidimangalam Town Panchayat,
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
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DATED : 14.06.2024