



W.P.(MD) No.14813 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.14813 of 2024

Malairajan

... Petitioner

-Vs-

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

2.The Tahsildar,
Thirumangalam,
Madurai District.

3.The Taluk Surveyor,
Thirumangalam, Madurai District.

4.M.Velu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to restore the “NilaviyalPathai” running along the S.No.214/9B situated at K.Puliyankulam Village, Thirumangalam Taluk, Madurai District by taking appropriate action against the 4th respondent by considering the petitioner's representation dated 05.03.2024.



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For Petitioner : Mr.R.Maheswaran
For R1 to R3 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

With regard to the alleged encroachment in Nilaviyalpathai running along S.No.214/9B situated at K.Puliyankulam Village, Thirumangalam Taluk, Madurai District made by the 4th respondent, the petitioner had given a representation on 05.03.2024 to the official respondents. Pursuant to the said representation, seeking Writ of Mandamus, this Writ Petition is filed.

2.Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. In view of the order that is going to be passed in this Writ Petition, notice to the 4th respondent is dispensed with.

3.The learned Additional Government Pleader would contend that considering the representation of the petitioner dated 05.03.2024, survey would be conducted by the respondents 2 and 3 in the presence of the petitioner as well as the 4th respondent and if, ultimately, any encroachment is found out, action would be taken to remove such encroachment.



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4.The said submission made by the learned Additional Government Pleader for the respondents 1 to 3 is recorded.

5.In view of the same, there shall be a direction to the respondents 2 and 3 to act upon on the representation of the petitioner dated 05.03.2024 and after giving notice to the petitioner as well as the 4th respondent, conduct survey. During survey, if any encroachment is found out either by the 4th respondent or by any other third party, the same shall be removed in accordance with law. Needful as indicated above shall be undertaken by the respondents 2 and 3 within a period of two months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

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

05.07.2024

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

Yuva



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AND

G.ARUL MURUGAN, J.

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To

- 1.The District Collector / Monitoring Committee,
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- 2.The Tahsildar,
Thirumangalam,
Madurai District.
- 3.The Taluk Surveyor,
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