



W.P(MD)No.14922 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 05.07.2024**

**CORAM:**

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

**W.P(MD)No.14922 of 2024**

Subbaiah

... Petitioner

vs.

1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

2.The Revenue Divisional Officer/Monitoring Authority,  
Ramanathapuram,  
Ramanathapuram District.

3.The Tahsildar,  
Thiruvadanai Taluk,  
Ramanathapuram District.

4.Nallaperumal

5.Gopal

6.Ganesan

... Respondents

**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 3 to remove the encroachment made by the respondents 4 to 6 in Survey No.22/14 at Neivayal Post, Athankudi Village, Thiruvadanai Taluk, Ramanathapuram District which is classified as pathway based on his



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representation dated 20.05.2024 within a stipulated time fixed by this Court.

|                 |                                                                   |
|-----------------|-------------------------------------------------------------------|
| For Petitioner  | : Mr.S.Krishnan                                                   |
| For Respondents | : Mr.S.Shaji Bino<br>Special Government Pleader<br>for R.1 to R.3 |

**ORDER**

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

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in Survey No.22/14 at Neivayal Post, Athankudi Village, Thiruvadanai Taluk, Ramanathapuram District, which is classified as pathway based on his representation, dated 20.05.2024 within the time stipulated by this Court.

2. The petitioner has alleged that the land at Survey No.22/14 at Neivayal Post, Athankudi Village, Thiruvadanai Taluk, Ramanathapuram District is a public pathway, wherein respondents 4 to 6 are encroaching upon. Therefore, in order to remove such encroachment, the petitioner has given a representation to the official respondents on 20.05.2024. In order



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to consider the same and to take necessary action in accordance with law seeking for a writ of Mandamus, the petitioner has moved the present Writ Petition.

3. Heard Mr.S.Krishnan, learned counsel appearing for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1 to 3. In view of the order that is proposed to be passed in this Writ Petition, notice to the respondents 4 to 6 is hereby dispensed with.

4. Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1 to 3 would contend that Survey No.22/14 is a public pathway, that would be surveyed and based on which, if any encroachment is made in the public pathway either by the private respondents or by any third parties, after giving notice to them in accordance with law suitable action would be taken.

5. Recording the said submission, this Court is inclined to dispose of this Writ Petition with the following orders:



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'(i) That there shall be a direction to the third respondent to consider the representation of the petitioner, dated 20.05.2024 and after giving notice to the petitioner as well as private respondents or any other third parties, who are interested over the property in question, survey the land at Survey No.22/14 at Neivayal Post, Athankudi Village, Thiruvadanai Taluk, Ramanathapuram District and find out any encroachment was made by any third parties including the private respondents and accordingly, action can be taken in accordance with law especially under the provisions of the Act 3 of 1905.

(ii) The needful as indicated above shall be undertaken by the third respondent, within a period of two months from the date of receipt of a copy of this order.'



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6. With these directions, this Writ Petition is disposed of.

However, there shall be no order as to costs.

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

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NCC : Yes / No  
Index : Yes / No  
ps

To

- 1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
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**R.SURESH KUMAR,J.**  
**and**  
**G.ARUL MURUGAN,J.**

ps

**ORDER MADE IN**  
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**DATED : 05.07.2024**