



W.P.(MD) No.17052 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM:

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

AND

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

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Siva Alagar

... Petitioner

-Vs-

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Assistant Director (Village Panchayats),
Trichy District, Trichy.
- 3.The Tahsildar / Monitoring Committee,
Marungapuri Taluk, M.Kallupatti,
Trichy District.
- 4.The Block Development Officer,
Marungapuri Panchayat Union Office,
M.Kallupatti Marungapuri Taluk,
Trichy District.
- 5.The Superintending Engineer,
Construction and Maintenance of Highways,
Trichy District, Trichy.
- 6.The Assistant Divisional Engineer,
(Construction and Maintenance),



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Highways, Manapparai Sub-Division,
Trichy District.

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7.The Assistant Engineer,
(Construction and Maintenance),
Highways, Marungapuri Circle,
Marungapuri, Trichy District.

8.Kamarudeen

9.Mohammed Ali

10.Mohammed Arif

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the private respondents 7 to 9 in S.F.Nos.193 and 293 for an extent of 0.35.50 hectors and 0.26.50 hectors respectively, lands are Government Poramboke land classified as “Road”, at Valanadu Village, Marungapuri Taluk, Trichy District on the basis of the petitioner's representation dated 28.05.2024 within the time frame fixed by this Court.

For Petitioner : Mr.V.Selvakumar

For R1 to R7 : Mr.P.Thilak Kumar,
Government Pleader

For R8 to R10 : Mr.M.Pichaimuthu

ORDER

[Order of the Court was made by *G.ARUL MURUGAN, J.*]

The prayer sought for in this Writ Petition is to direct the respondents 1 to 6 to remove the encroachment made by the private respondents 8 to 9 in



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S.F.Nos.193 and 293 for an extent of 0.35.50 hectares and 0.26.50 hectares respectively, which are Government Poramboke lands classified as “Road”, at Valanadu Village, Marungapuri Taluk, Trichy District on the basis of the petitioner's representation dated 28.05.2024 within the time frame fixed by this Court.

2.Heard the learned counsel for the petitioner, the learned Government Pleader for the official respondents and the learned counsel for the private respondents.

3.It is the contention of the learned counsel for the petitioner that there has been lot of encroachment in the public road in Valanadu Village, especially, by the private respondents herein. However, it is the stand of the learned Government Pleader for the official respondents that there has been lot of encroachment not only by the private respondents but also by some other third parties. Therefore, the official respondents will have a personal survey of the entire stretch of the road and the land, which is a public road and accordingly, whoever made any encroachment, including the private respondents would be identified and action would be taken to remove such encroachment.



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4.The learned counsel for the private respondents would submit that it is not only the private respondents but several other people, who have encroached upon the public road and they put up structure. When that being so, at the instance of the petitioner, because of the personal animosity, the private respondents alone cannot be targeted by the official respondents.

5.In this context, the learned counsel for the private respondents would also submit that the private respondents are ready and willing to co-operate with the official respondents for removal of the encroachment. At the same time, the list of other encroachers also would be provided or furnished by the private respondents to the official respondents.

6.Having regard to the said submissions made by the learned counsel for both parties and taking note of the fact that admittedly, there has been encroachment not only by the private respondents, as per the instructions of the official respondents as stated by the learned Government Pleader, there has been some other third parties also encroached upon the property, this Court is inclined to dispose of this Writ Petition with the following direction:-



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“that there shall be a direction to the official respondents to conduct survey of the entire stretch of the land, ie., road, where whoever has been in encroachment of the public road or public property, including the private respondents as well as some other third parties and entire encroachments made by all these persons shall be identified and accordingly, after hearing them, the official respondents shall take immediate action to remove such encroachment in accordance with law. Needful as indicated above shall be undertaken by the official respondents within a period of two months from the date of receipt of a copy of this order.”

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

[R.S.K., J.] & [G.A.M., J.]
25.07.2024

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

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To

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