



W.P(MD)No.18042 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM:

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

W.P(MD)No.18042 of 2024

K.Dheenadayalan

... Petitioner

VS.

- 1.The District Collector/Monitoring Committee,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
- 4.The Deputy Tahsildar,
Singampunari,
Thirupathur Taluk,
Sivagangai District.
- 5.The Block Development Officer,
Thirupathur Panchayat Union,
Thirupathur,
Sivagangai District.



W.P(MD)No.18042 of 2024

WEB C

6.The President,
Kandavarayanpatti Panchayat,
Thirupathur Panchayat Union,
Sivagangai District.

7.Tamilselvi

... 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 6 to remove the encroachment made by the seventh respondent in the public pathway in Survey No.168, Kavanoor Village, Kandavarayanpatti Panchayat, Thirupathur Taluk, Sivagangai District.

For Petitioner

: Mr.B.Vinothkumar

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R.1 to R.6

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 6 to remove the encroachment made by the seventh respondent in the public pathway in Survey No.168, Kavanoor Village, Kandavarayanpatti Panchayat, Thirupathur Taluk, Sivagangai District.

2/7



W.P(MD)No.18042 of 2024

WEB COPY

2.In respect of Survey No.168 at Kavanoor Village, Kandavarayanpatti Panchayat, Thirupathur Taluk, Sivagangai District, there has been an encroachment in a public street by the private party ie., the seventh respondent herein. In order to remove such encroachment already two attempts have been made where earlier Writ Petitions filed before this Court have been ordered and at one point of time, for the non-compliance of the order, a Contempt Petition also was filed where a warning was given by this Court, by order dated 26.11.2019.

3.Despite that, so far the encroachment has not been removed. Therefore, the fourth time, the litigation has come before this Court by way of the present Writ Petition.

4.Heard Mr.B.Vinothkumar, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 6. In view of the order that is proposed to be passed in this Writ Petition, notice to the seventh respondent is hereby dispensed with.



W.P(MD)No.18042 of 2024

WEB COPY

5.The learned Government Pleader appearing for the official respondents would submit that insofar as the encroachment is concerned, the jurisdiction is vested with the Tahsildar, but earlier attempt made by the Block Development Officer seems to have not given any desired result, but anyhow, the District Collector, by communication, dated 01.12.2023, has directed the Tahsildar to look into the matter and to remove the encroachment in the public street which would be scrupulously followed and action would be taken by the third respondent/the Tahsildar and within a time frame, the encroachment would be identified and removed.

6.The said submission made by the learned Government Pleader appearing for the official respondents is taken on record.

7.In view of the aforestated, this Court is inclined to dispose of this Writ Petition with the following order:

'(i) That there shall be a direction to the third respondent to act upon on the direction given by the District Collector, through his proceedings, dated 01.12.2023 and after verifying the encroachment in Survey No.168 at the Village concerned either by the



W.P(MD)No.18042 of 2024

WEB COPY

seventh respondent or by any third parties, after giving notice to them, steps shall be taken to remove such encroachment.

(ii) The needful as indicated above shall be undertaken by the third respondent/the Tahsildar within a period of three weeks from the date of receipt of a copy of this order, failing which, it would be construed as a violation of the orders of this Court and therefore, further action under the provisions of the Contempt of Courts Act would be initiated against him.'

8.With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
02.08.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.18042 of 2024

WEB COPY

To

- 1.The District Collector/Monitoring Committee,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
- 4.The Deputy Tahsildar,
Singampunari,
Thirupathur Taluk,
Sivagangai District.
- 5.The Block Development Officer,
Thirupathur Panchayat Union,
Thirupathur,
Sivagangai District.
- 6.The President,
Kandavarayanpatti Panchayat,
Thirupathur Panchayat Union,
Sivagangai District.



WEB COPY



W.P(MD)No.18042 of 2024

R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)No.18042 of 2024

DATED : 02.08.2024