



W.P(MD)No.620 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P(MD)No.620 of 2018
and
W.M.P(MD)No.650 of 2018**

Subramaniyan

... Petitioner

VS.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Marungapuri Taluk,
M.Kalluppatti,
Trichy District.

3.The Block Development Officer/Special Officer,
Oothukuli Village Panchayat,
Marungapuri Panchayat Union,
M.Kalluppatti, Trichy District.

4.Selvaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to take necessary action to remove the encroachment made by the fourth respondent in Natham S.F.Nos.304/34 and 304/20, those are classified as



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Government poramboke, pathway at Oothukuli Village, Marungapuri Taluk, Trichy District.

For Petitioner	: Mr.T.Vadivelan
For RR 1 to 3	: Mr.N.GA.Nataraj Government Advocate
For R – 4	: Mr.J.Anandkumar

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to remove the encroachment made by the fourth respondent in Natham S.F.Nos.304/34 and 304/20, those are classified as Government poramboke, pathway at Oothukuli Village, Marungapuri Taluk, Trichy District.

2. Learned counsel for the petitioner submitted that the petitioner is a resident of the aforesaid village and the second respondent issued patta to the petitioner in S.F.No.304/15 and 19 and he has constructed a house. Survey Nos.304/20 and 34 are classified as a Natham Government poramboke and pathway for the purpose of using pathway by common people to reach their respective house.

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Now, the fourth respondent, who is the owner of the house situated in Natham S.F.Nos.304/21 and 22, has encroached the pathway situated in Natham S.F.Nos.304/34 and 20 and constructed a house without getting any approval from the third respondent. Hence, the petitioner made a complaint before the second respondent on 09.10.2017 and a detailed representation has been sent to the respondents 1 and 2 on 03.01.2018. Till date, no action has been taken. Hence, this writ petition.

3. Learned Government Advocate appearing for the respondents 1 to 3 would submit that the second respondent will consider and dispose of the petitioner's representation dated 03.01.2018 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.



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4. Recording the above submissions, the second respondent is directed to consider and dispose of the representation of the petitioner dated 03.01.2018 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [M.S.K.,J.]
22.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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ORDER MADE IN
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