



W.P.(MD)No.20446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.20446 of 2024

A.Udaiyar

... Petitioner

-VS-

- 1.The District Collector / Monitoring Authority,
Sivagangai District,
Sivagangai.
- 2.The Tahsildhar,
Sivagangai Taluk,
Sivagangai District.
- 3.The Block Development Officer (V.P.),
Sivagangai, Sivagangai District.
- 4.The President,
Kilapoongudi Panchayat,
Sivagangai District.

5.U.Selvanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action to remove the encroachments in Survey No.247/9, situated at



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Kilapoongudi Village and Post, Sivagangai Taluk and District and to ensure Public Pathway is free for Public accesses, within a time frame fixed by this Court.

For Petitioner : Mr.AL.Kannan
For R1 and R2 : Mr.P.T.Thiraviyam
Government Advocate
For R3 and R4 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents 1 and 2. Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents 3 and 4. Since we are not passing any adverse order, notice to the fifth respondent is deemed unnecessary.

2. It is the complaint of the petitioner that the fifth respondent has encroached upon a public pathway.



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3. From the revenue records, it is seen that a portion of the land over which the fifth respondent is said to have encroached is described as a public pathway. Hence, there will be a direction to the respondents 1 to 4 to remove the encroachment by adopting due process of law as provided under the Tamil Nadu Land Encroachment Act, 1905. The proceedings shall be initiated within a period of six weeks from the date of receipt of a copy of this order.

4. This Writ Petition is disposed of with the above observation. No costs.

NCC : No
Index : No
smn2

[R.S.M., J.] [L.V.G., J.]
28.08.2024

To:

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Sivagangai District,
Sivagangai
- 2.The Tahsildhar,
Sivagangai Taluk,
Sivagangai District.



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3.The Block Development Officer (V.P.),
Sivagangai, Sivagangai District.

4.The President,
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