



W.P.(MD) No.21366 of 2024

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

**DATED : 06.09.2024**

**CORAM:**

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

**W.P.(MD) No.21366 of 2024**

S.Rajendran

... Petitioner

-VS-

1.The District Collector,  
Ramanathapuram,  
Ramanathapuram District.

2.The Sub Collector,  
Ramanathapuram,  
Ramanathapuram District.

3.The Tahsildar/Monitory Committee,  
Mudhukulathur Taluk,  
Mudhukulathur,  
Ramanathapuram District.

4.The Block Development Officer,  
Village Panchayat,  
Panchayat Union,  
Mudhukulathur Taluk,  
Ramanathapuram District.

5.Syed Abudhagire

6.Muniyammal

7.Ramaya

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to remove the encroachment made by the respondents 5 to 7 in the public pathway which runs, through Survey nos.476/21 and 481/18 situated at Sellur Village, Mudhukulathur Town, Ramanathapuram District, based on the proceeding No.PA.Mu.B2/1955/2023 dated 16.05.2023, issued by the 2<sup>nd</sup> respondent.

For Petitioner : Mr.B.Arun  
For Respondents 1 to 4 : Mr.S.P.Maharajan  
Special Government Pleader

### **ORDER**

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 4. Since we are not passing any adverse order, notice to the respondents 5 to 7 is deemed unnecessary. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.One Sankarapandiyan lodged a complaint to the Sub Collector, Paramakudi, claiming that the petitioner had encroached upon the road in Survey Nos.481/16 and 17. The Sub Collector directed the Tahsildar, Mudhukulathur, to conduct a survey and take action for removing the encroachment, if any found thereat. Survey was also conducted on 06.04.2023. The Deputy Surveyor, Paramakudi Taluk, filed a report stating that the petitioner has not encroached upon the road, which is actually in existence in Survey No.476/21. He also added that three other persons have



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encroached upon the road in Survey No.476/21. It has triggered the instant Writ Petition, wherein the petitioner prays for removal of encroachment made by those three persons. The proceeding of Sub Collector, Paramakudi, dated 16.05.2023, *prima facie* shows that there has been encroachment over the land, which is classified as street. It therefore, becomes obligatory on the part of the respondents to remove the said encroachments.

3.This Writ Petition is allowed, directing the respondents to take appropriate proceedings under the Tamil Nadu Land Encroachment Act, 1905, for removal of encroachments as found in the proceedings of the District Collector, dated 16.05.2023. Necessary action be taken within a period of 12 weeks from the date of receipt of copy of the order. It will be open to the petitioner to seek reopening of the Writ Petition, if action is not taken within the period allowed. No costs.

**[R.S.M., J.]**

**[L.V.G., J.]**

**06.09.2024**

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



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**and**  
**L.VICTORIA GOWRI, J.**

Mrn

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