



WEB COPY

W.P.(MD) No.21644 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.21644 of 2023

M.Krishnamoorthy

... Petitioner

-VS-

1.The District Collector
Office of Collectorate
Thanjavur District

2.The Revenue Divisional Officer
NSC Bose Nagar
Arulananda Nagar West Extension
Thanjavur

3.The Tahsildar
Taluk Office, Orathanadu
Thanjavur District

4.Durairaj

5.Ravi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 at public pathway ('Nilaviyal



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Pathai') in S.No.63/28, which is situated at Naduvur Village, Orathanadu Taluk, Thanjavur District, within the time frame stipulated by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3
No appearance for R4 & R5

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 at public pathway ('Nilaviyal Pathai') in S.No.63/28 of Naduvur Village, Orathanadu Taluk, Thanjavur District, within the time stipulated by this Court.

2. According to the petitioner, though notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, has been served to the respondents 4 and 5, no action has been taken for removal of encroachments made by them in the public pathway. Therefore, the present writ petition is filed.



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3. Learned Government Pleader appearing for the respondents 1 to 3, on instructions, submits that pursuant to the said notice issued, the official respondents will take necessary action in accordance with law.

4. In view of the above submission of the learned Government Pleader, we direct the Tahsildar / third respondent to take necessary action for removal of encroachments made by the respondents 4 and 5 in the subject pathway, in accordance with law, pursuant to the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, if there is no other legal impediment, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

11.03.2024

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

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and
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