



WP(MD). No.26316 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 30/10/2024

CORAM

**THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

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C.Kandhasamy

... Petitioner

Vs

1. The District Collector,
District Collector Office,
Trichy,
Trichy District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Manapparai, Trichy District.

3. The Tahsildar,
Manapparai Taluk, Trichy District.

4. The Block Development Officer,
The Block Development Office,
Vaiyampatti, Trichy District.

5. Gopal,
S/o Seerangan,
Vaiyampatti Post,
Manapparai Taluk,
Trichy District.

6. Senthil,
S/o Late Palaniappan,



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Vaiyampatti Post,
Manapparai Taluk,
Trichy District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st to 4th respondents to remove the encroachment of iron gate in common pathway in Old Survey No.158/1pa new Survey No. 555/10 situated at Vairampatti, Vaiyampatti Post, Manapparai Taluk, Trichy District made by the 5th and 6th respondents by considering the petitioner's representation dated 22.08.2024.

For Petitioner : Mr.N.Balasubramanian
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER
**(Order of the Court was made by
the Hon'ble the Chief Justice)**

It is petitioner's case that respondents 5 and 6 have encroached upon a pathway in Old S.No.158, New S.No.555/10 situated at Vairampatti, Vaiyampatti Post, Manapparai Taluk, Trichy District.

2. According to petitioner, it is a common pathway. It is petitioner's case that on the basis of representation dated 1st August 2024 made by the Village Panchayat Board President Mr.Subramanian, the Firka Surveyor of Vaiyampatti submitted a report dated 06.08.2024



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that Vaiyampatti grama natham Old S.No.158/1Pa New S.No.555/10 of Vaiyampatti is a Government land and it has been mentioned as pathway in village natham Adangal and also enclosed the survey sketch. It is also stated that on the basis of the report, 3rd respondent issued proceedings dated 22.08.2024 to 4th respondent requesting to remove the encroachment as per Section 131 (2) of Tamil Nadu Panchayats Act, 1994. As no action was taken, petitioner had sent representation dated 22.08.2024. In view of inaction, even after receipt of representation dated 22.08.2024, the following petition came to be filed.

3. According to petitioner, respondents 5 and 6 have blocked the pathway by putting up gate. Gate has to be removed.

4. Mr.P.Thilak Kumar for respondents 1 to 4 agrees that there has been encroachment and the gate has to be removed. Counsel states that within one week notice will be issued.

5. Since we find that respondents 1 to 4 have taken no steps notwithstanding received the representation dated 22.08.2024, we direct them to take steps forthwith and in any case, on or before



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02.11.2024. The excuse of non availability of this order in the web site will not be accepted.

6. We also direct the respondents 1 to 4 and the local police to persuade respondents 5 and 6 to remove the gate voluntarily, since Mr.P.Thilak Kumar states it is an encroachment.

8. Petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)
SHAFFIQ, J.)

(MOHAMMED

30.10.2024

NCC : Yes/No
Index : Yes/No
RR



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**ORDER
IN**

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