



W.P(MD)No.23561 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM :

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

W.P(MD)No.23561 of 2024

V.Shanmugam

... Petitioner

vs.

1. The District Collector / Monitoring Committee,
Sivangangai District,
Sivangangai.

2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3. The Tahsildar,
Ilayangudi Taluk,
Sivangangai District.

4. Nehru

5. Chellamani

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachment made by the respondents 4 and 5 herein in public pathway and Government Poramboke land situated in Survey No.379/5, Mela Theru, Sathanur Village, Ilayangudi Taluk, Sivangangai District, by considering the petitioner's representations dated 23.09.2024 and 24.09.2024.



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For Petitioner : Mr.T.Veerakumar
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 & R5 : Mr.B.Arun

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The petitioner seeks a Mandamus, directing the respondents 1 to 3 to take action to remove the encroachment made by the respondents 4 and 5 over a land in Survey No.379/5 in Sathanur Village of Ilayangudi Taluk, Sivagangai District, claiming that it is a pathway.

2. It is seen from the records that though Patta was granted to the fourth respondent in respect of this pathway, the same was cancelled by the Revenue Divisional Officer, Sivagangai, as early as on 10.12.2020. The wife of the fourth respondent namely, the fifth respondent filed a suit for declaration of her title, contending that the cancellation of Patta was done without notice to her husband and that her husband has settled the property on her under a registered settlement deed, dated 11.05.2021. The said suit has been dismissed after contest on 29.01.2024. Therefore, the land remains as Government land.



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3. We see no impediment for the respondents to take action to remove the encroachment. Hence, this Writ Petition is disposed of with the direction to the respondents, particularly, the third respondent to take appropriate action under the Tamil Nadu Land Encroachment Act, 1905, to remove the encroachment. The action shall be commenced within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

(R.S.M, J.) (L.V.G, J.)
16.10.2024

Index : No
Neutral Citation : No
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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