



W.P.(MD)No.30336 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.30336 of 2023

A.Meena

... Petitioner

Vs

1. The Tahsildar,
Madurai East Taluk,
Madurai District.

2. The District Supervising Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
TANGEDCO,
K.Pudhur, Madurai.

3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Vandiyoor,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to enforce the order passed by 1st respondent in Na.Ka.No.17058 / 2004/A3 dated 22.09.2022 by removing the compound wall constructed on the pathway in Survey no.103/4 of Vandiyoor 1 Bit village, Madurai East Taluk, Madurai.



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W.P.(MD)No.30336 of 2023

For Petitioner : Mr. K.Muthuvai Ilayaraja

For Respondents : Mr.P.Subbaraj (R1)
Special Government Pleader

Mr.S.Deenadhayalan (R2,R3)
Standing Counsel

ORDER

This Writ Petition has been filed seeking a mandamus directing the respondents 2 and 3 to enforce the order passed by 1st respondent in Na.Ka.No. 17058 / 2004/A3 dated 22.09.2022 by removing the compound wall constructed on the pathway in Survey No.103/4 of Vandiyoor 1 Bit village, Madurai East Taluk, Madurai.

2.Heard Mr.K.Muthuvai Ilayaraja, learned counsel appearing for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader appearing for the first respondent and Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents 2 and 3.



W.P.(MD)No.30336 of 2023

3. It is the case of the writ petitioner that the writ petitioner is the owner of the aforesaid land. The respondents 2 & 3 have constructed a compound wall next to that land by encroaching upon the pathway, which is leading to the petitioner's land. In this regard, he has given a representation to the revenue officials. The first respondent/revenue official has also conducted survey and held that the TANGEDCO has made encroachment and passed an order in Na.Ka.No. 17058 / 2004/A3 dated 22.09.2022. Hence, he filed this writ petition to enforce the order passed by the first respondent.

4.The learned Standing Counsel appearing for the respondents 2 and 3 on instructions submitted that the first respondent may conduct a survey in the presence of the petitioner and TANGEDCO officials if there is some encroachment, then it will be removed by the TANGEDCO.

5.The aforesaid statement recorded.

6.In view of the above submission, the first respondent is directed to conduct a survey in this regard in the presence of the petitioner and officials of TANGEDCO and if it is found any encroachment is made by TANGEDCO, then



W.P.(MD)No.30336 of 2023

the same shall be removed by TANGEDCO. The said exercise shall be completed within a period of two months from the date of receipt of copy of this order. There shall be no order as to costs.

17.10.2024

NCC : Yes/No
Index : Yes/No
PNM

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W.P.(MD)No.30336 of 2023

N.SATHISH KUMAR, J.

PNM

ORDER IN

W.P.(MD)No.30336 of 2023

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