



W.P(MD)No.8544 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.8544 of 2025

M.Jothimani

... Petitioner

VS.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Peraiyur Taluk, Madurai District.

3.The Block Development Officer,
T.Kallupatti, Peraiyur Taluk,
Madurai District.

4.B.Kannan
5.S.Vijayakumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachment made by the fourth and fifth respondents in the 20 ft., common pathway in Survey No.402/1B2A based on the proceedings of the third respondent in Na.Ka.No.2496/2023/U1 dated 26.02.2025.



W.P(MD)No.8544 of 2025

WEB COPY

For Petitioner : Mr.J.Selvin Rajesh
For RR 1 to 3 : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited relief sought for by the petitioner, notice to the respondents 4 and 5 is dispensed with.

2.It is the grievance of the petitioner that though the third respondent vide proceedings dated 26.02.2025, directed the second respondent to remove the encroachment made by the fourth and fifth respondents in the 20 ft., common pathway in Survey No.402/1B2A, the same is kept pending till date without any progress. Therefore, he has filed this Writ Petition with the aforesaid prayer.



W.P(MD)No.8544 of 2025

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3.The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that a notice under Section 7 of the Tamil Nadu Encroachment Act, 1905 has been issued against the encroachers and the authority concerned will take action in the manner known to law, within a period that may be stipulated by this Court.

4.Considering the facts and circumstances of the case, we direct the second respondent to remove the encroachment made by the fourth and fifth respondents in the 20 ft., common pathway in Survey No.402/1B2A based on the proceedings of the third respondent, dated 26.02.2025, after giving sufficient opportunity of hearing to the petitioner and the respondents 4 and 5 and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P(MD)No.8544 of 2025

WEB COPY

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
27.03.2025

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



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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