



W.P.(MD) No.15486 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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M.Vijaya Ragavan

... Petitioner

-VS-

- 1.The District Collector /
Monitory Committee
Office of the District Collector
Theni, Theni District
- 2.The Assistant Director
(Village Panchayat)
Office of the Assistant Director
(Village Panchayat)
Theni, Theni District
- 3.The Tahsildar
Periyakulam Taluk Office
Periyakulam Taluk
Theni District
- 4.The Block Development Officer
(Village Panchayat)
Panchayat Union Office



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Vaikai dam road
Tenkarai, Periyakulam
Theni District

5.The President
Lakshmipuram Panchayat
Office of the Lakshmipuram Panchayat
Lakshmipuram
Theni District

6.The Village Administrative Officer
Thamaraikulam
Office of the Village
Administrative Office, Pit 2
Periyakulam Taluk
Theni District

7.Jegadeeswari

8.Purushothamdoss

9.Umarani

10.Pirakanathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 6 to remove the encroachment and unauthorized wired fence made by the respondents 7 to 10 in the Public Pathway as per the decree in O.S.No.992 of 1924 in Survey No. 2385, 2381, 2379, 2857, 2854 and 2849.

For Petitioner : Mr.M.A.M.Raja



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For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3 & R6
No appearance for R4 & R5
Mr.V.R.Shanmuganathan for R7 to R10

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted seeking a direction to the respondents 1 to 6 to remove the encroachment and unauthorized wired fence made by the respondents 7 to 10 in the Public Pathway as per the decree in O.S.No.992 of 1924, in Survey No.2385, 2381, 2379, 2857, 2854 and 2849.

2. Pursuant to the interim direction issued by this Court, the Tahsildar / third respondent conducted an inspection and surveyed the subject land and filed a report before this Court. The report of the Tahsildar reveals that the survey No.2385/2 is classified as cart track and the some portions are patta lands and through the said patta lands “Nilaviyal Paathai” runs through. Thus, actions are to be initiated to remove the encroachments. The Tahsildar has also stated that notice will be issued to the encroachers under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and enforcement action will be completed by following the procedure as



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contemplated.

3. In view of the above, the official respondents are directed to issue notice to the encroachers to remove the encroachments by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905 and restore the “Nilaviyal Paathai” and the “Cart Track” for the public usage. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition is disposed of. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

04.08.2025

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

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To:

1.The District Collector /
Monitory Committee,
Office of the District Collector,
Theni, Theni District.



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- 2.The Assistant Director,
(Village Panchayat),
Office of the Assistant Director,
(Village Panchayat),
Theni, Theni District.
- 3.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam Taluk,
Theni District.
- 6.The Village Administrative Officer,
Thamaraikulam,
Office of the Village
Administrative Office, Pit 2,
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