



W.P(MD)No.21150 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD)No.21150 of 2025

Sasi @ Kumarasamy

... Petitioner

vs.

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

2. The Revenue Divisional Officer,
Melur, Madurai District.

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

4.The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Region (Old Name Tamil
Nadu Slum Clearance Board)
No.169, K.K.Nagar, Main Road,
Madurai 625 020.

5. Thiyagarajan

6. Agilla

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment on Public Pathway in Survey No.1/6A1 Melamadai IInd Bit Village, Sakkimangalam, Incircle, Pandian Nagar, Madurai East Taluk, by considering the petitioner's representation 04.12.2023.

For Petitioner : Mr.S.Ramasamy

For R1 – R4 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment on public pathway in Survey No.1/6A1, Melamadai IInd Bit Village, Sakkimangalam, Incircle, Pandian Nagar, Madurai East Taluk, by considering the petitioner's representation 04.12.2023.

2. Heard Mr.S.Ramasamy, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4.



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3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 5 and 6 is dispensed with.

4. Alleging that the respondents 5 and 6 have encroached upon a public pathway and erected a shed by using a metal and asbestos sheets, the petitioner submitted an representation dated 04.12.2023 to the respondents 1 to 4, requesting them to remove the encroachment. However, since no action was taken on the said representation, the petitioner has now approached this Court by filing the present Writ Petition.

5. On the other hand, the learned Government Pleader appearing on behalf of the respondents 1 to 4, brought to the notice of this Court that the third respondent/Tahsildar, had already sent a written communication dated 22.12.2023 to the fourth respondent, stating that the respondents 5 and 6 are encroachers and that the land belongs to the Tamil Nadu Urban Habitat Development Board. The



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fourth respondent, in turn, sent a letter communication to the first respondent suggesting that the open space in question, which has been encroached upon, be used for the existing ration shop located at that site.

6.Considering the submissions made by the learned Government Pleader, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the first respondent, to initiate appropriate action and remove the encroachment, if any, after affording sufficient opportunity to the petitioner, respondents 5 and 6 and all the parties concerned, by following due process of law as expeditiously as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

[A.D.J.C.,J.] & [R.P.,J.]
01.08.2025

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



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ORDER MADE IN
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