



WP(MD). No.24680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 02/04/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.24680 of 2024

Subramanian

... Petitioner

Vs

1. The Tahsildar (Monitoring Committee),
Palani Taluk, Dindigul District..

2. Chandrasekaran

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to remove the encroachment made by the 2nd respondent on the pathway comprised in Survery No. 627/9 situated at Amarapoondi Village, Palani Taluk, Dindigul District by considering the petitioner's representation dated 03.06.2024.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mrs.D.Farjana Ghoushia
Spl.Government Pleader



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ORDER

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(Order of the Court was made by S.SRIMATHY, J.)

The writ petition has been filed for a direction to the 1st respondent to remove the encroachment made by the 2nd respondent on the pathway comprised in Survery No. 627/9 situated at Amarapoondi Village, Palani Taluk, Dindigul District by considering the petitioner's representation dated 03.06.2024.

2. It is the case of the petitioner that the petitioner's father was issued with a “Natham Nilavari Thoraya Patta” recognizing the long possession. Subsequently, the 2nd respondent, who is residing opposite to the petitioner's house, has encroached the public pathway and constructed a toilet and a wall. The common pathway is classified as 'Podhuvasal' in the revenue record. Hence, the petitioner has sent a representation to the respondents on 26.06.2024. Pursuant to the same, inspection was conducted and it came to light that the 2nd respondent has encroached the pathway. However, till now, the said encroachment has not been removed. Therefore, the petitioner is before this Court with this writ petition.



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3. The learned Special Government Pleader would submit that as per the Natham Nilavari Thittam, 0.00.07 sq. mtrs has been encroached and for the balance area, patta has already been granted to some individuals.

4. We have heard the learned counsel for the petitioner and the learned Government Pleader for the 1st respondent and perused the materials available on record.

5. Considering the facts and circumstances of the case and without going into the merits of the matter, since even as per the 1st respondent's own record, it is an encroachment, the 1st respondent is directed to remove the encroachment only in the pathway, ie., in Podhuvasal alone, which is measuring 0.00.07 sq. mtrs., after giving due opportunity of personal hearing to the petitioner as well as the 2nd respondent. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, the writ petition is disposed of. No costs.

[J.N.B.,J]

[S.S.Y.,J]

02.04.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The Tahsildar (Monitoring Committee),
Palani Taluk, Dindigul District..



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