



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.07.2015
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.10981 of 2015

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R.Muthukumaran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thanjavur.

2.The Tahsildar,
Thanjavur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to comply with the orders of the 1st respondent made in Na.Ka.4998/09/A2 dated 1.3.2011.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.S.Chandrasekar
Government Advocate

O R D E R

This writ petition has been filed for a Writ of Mandamus directing the 2nd respondent to comply with the orders of the 1st respondent made in Na.Ka.4998/09/A2 dated 1.3.2011.

2.The petitioner states that adjacent to his land in S.No.110/1, Kandithampattu Village, Thanjavur District, there is a Cart Track and the same is used for transporting agricultural produces in the petitioner's land for the past 35 years. It is the only way for ingress and egress into the petitioner's land. While so, on 20.04.2009, one Maruthaiyan along with two others, with ulterior motive, encroached the cart track with thorn bushes. The petitioner agitated the issue before the first respondent and the first respondent conducted enquiry and ordered the second respondent to remove the encroachments vide proceedings dated 21.01.2010. An appeal filed by the rival party was also ended in favour of the petitioner. Thereafter, the first respondent once again ordered for removal, by order dated 01.03.2011. By yet another proceedings dated 19.12.2013, the first respondent ordered the second respondent to remove the encroachment. But till now there is no fruitful result. Because of encroachment, the petitioner is facing innumerable difficulties in getting access to his land and he has to travel 2 kms extra every time. Hence this writ petition.

3.Heard the learned counsel for the petitioner and also the learned Government Advocate, who took notice on behalf of the respondents.

4.Considering the facts and circumstances of the case, the writ petition is disposed of directing the second respondent to pass appropriate orders in the light of the communication of the first respondent dated 01.03.2011, after affording opportunity to the



petitioner as well as the interested parties if any, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AE)

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/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Thanjavur.

2.The Tahsildar,
Thanjavur.

+1cc to Mr.K.Govindarajan,Advocate SR.No.35640

+1cc to Special Govt.Pleader SR.No.35467

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KM

PA/IV/14.07.2015/2P/5C