



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No. 3267 of 2015

and

M.P. (MD) No. 1 of 2015

Sivakasi Vattara Vari Selutthuvor Sangam,
Rep. by its President K. Mariappan

... Petitioner

Vs.

1. The Secretary,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai 600 009.
2. The Additional Chief Secretary / Commissioner of
Revenue Administration and Commissioner of
Land Administration (General), Chennai 600 005.
3. The District Collector,
Virudhunagar District.
Virudhunagar - 626 002.
4. The Revenue Divisional Officer,
Sivakasi.
5. The Tahsildar,
Sivakasi Taluk, Sivakasi.
6. The Commissioner,
Sivakasi Municipality, Sivakasi.
7. Rani Anna Colony Association for Residents Residential Rights,
Rep. by its Secretary Sekar.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 6 to comply with the direction / order issued by the second respondent and in terms thereof remove all the 62 encroachments existing in the evicted area situate in Ward No. G, Block No. 15, T.S. No. 41 of Sivakasi Town, Virudhunagar District and after completing eviction subject the impugned area for public purpose found suitable.

For Petitioner : Mr. Santharam Natarajan

For Respondents : Mr. A. K. Baskarapandian, Spl. G. P. for R1 to 6

O R D E R

(Order of this Court was made by S. TAMILVANAN, J.)

The Writ petition has been filed seeking an order in the nature of Writ of Mandamus, directing the respondents 3 to 6 to remove 62 encroachments made in Ward No. G Block No. 15 T.S. No. 41 at Sivakasi Town, Virudhunagar District.

to 6.

3.The alleged 62 encroachers are not party in this Writ petition. However, learned counsel appearing for the petitioner drew the attention of this Court to page No.14 of the typed set of papers, a copy of the order dated 15.09.2009 in W.P.(MD)No.7545 of 2007 and the Writ petition was dismissed. Admittedly, the said Writ petition was filed by the seventh respondent herein, forbearing the respondents therein, who are respondents 4 to 6 herein from evicting the members of the seventh respondent Association. Subsequently, a Review petition was also filed in Review. Apl.(MD)No.52 of 2009 by the said Rani Anna Colony, the seventh respondent herein. The said Review application was also dismissed by order dated 04.12.2009 by earlier Division Bench of this Court. Now the petitioner has come forward with the plea to remove the said 62 encroachers.

4.Having considered the facts and circumstances, we direct the respondents 1 to 6 to consider the representation of the petitioner and pass appropriate orders according to law after giving opportunity to the petitioner, the seventh respondent and all the 62 encroachers, within a period of 12 weeks from the date of receipt of a copy of this order.

5.We make it clear that we have not given any specific findings with regard to the merits of the matter.

6.The Writ petition is disposed of accordingly. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To

- 1.The Secretary to
the State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai 600 009.
- 2.The Additional Chief Secretary / Commissioner of
Revenue Administration and Commissioner of
Land Administration (General),
Chennai 600 005.
- 3.The District Collector,
Virudhunagar District, Virudhunagar -626 002.
- 4.The Revenue Divisional Officer,
Sivakasi.
- 5.The Tahsildar,
Sivakasi Taluk, Sivakasi-626123.
- 6.The Commissioner,
Sivakasi Municipality, Sivakasi.

+1cc to Special Government Pleader in SR.No.11352