



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.(MD) No.16748 of 2014 &
M.P.(MD).No.1 of 2014 &
M.P.(MD).No.1 of 2015

N.Selvam

... Petitioner

vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Srirengam Division,
Srirengam,
Trichy District.

4.The Tahsildar,
Srirengam Taluk,
Srirengam,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents herein not to dispossess the petitioner's property in the name and style of Selvam Javuli Store property bearing Door No.3/94, comprised in Survey No.298, Sethurapatti Village, Srirengam Taluk, Trichy District without due process of law.

For Petitioner
For Respondents

:Mr.R.R.Kannan
:Mr.M.Murugan for R1, R2 to R4
Government Advocate

O R D E R

The petitioner filed this Writ Petition for issuance of a Writ of Mandamus directing the respondents not to dispossess him from the property bearing D.No.3/94, comprised in Survey No.298, Sethurapatti Village, Srirengam Taluk, Trichy District.

<https://hcservices.ecourts.gov.in/hcservices> The petitioner is claiming that the property referred to above absolutely belongs to him. According to the petitioner, the property was purchased by his father as early as on 23.01.1969.



Thereafter, he purchased the adjacent plot and constructed a textile shop with upstairs portion. The respondents made an attempt to dispossess him. Therefore, the petitioner filed this writ petition.

3. The Tahsildar, Srirengam, filed a counter affidavit, wherein it was stated that the property is assessed as waste dry land. The petitioner is an encroacher. The property is necessary for providing road to the Indian Institute of Technology, at Srirengam.

4. When this writ petition was taken up for hearing on 29.08.2016, the learned counsel for the petitioner on instruction submitted that the petitioner would vacate and hand over possession of the property, in case reasonable time is given. Accordingly, the matter was adjourned to be posted today.

5. The petitioner filed an affidavit, dated 30.08.2016, indicating that he would vacate and hand over vacant possession to the Tahsildar, Srirengam, on or before 31.10.2016. The said affidavit is taken on record. In case, the petitioner fails to hand over vacant possession on or before 31.10.2016, it is open to the third respondent to evict him from the premises and to take possession.

6. The learned counsel for the petitioner submitted that the third respondent has taken action selectively. In short, it is the grievance of the petitioner that in respect of other shops action was not taken to remove the encroachment.

7. The District Collector, Trichy, is directed to consider the issue raised by the petitioner with regard to the selective action for removal of encroachment. In case, others are doing business after putting up building on Government land, necessarily those encroachments should also be removed.

8. The District Collector, Trichy, is further directed to consider the issue regarding encroachment made by other traders as reported by the petitioner and take appropriate action for removal of encroachment, so as to form a road to reach the Indian Institute of Technology, Srirengam.

9. The Writ Petition is disposed of with the above direction. No Costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True copy/



To

- 1.The District Collector, Trichy District, Trichy.
- 2.The District Revenue Officer, Trichy District, Trichy.
- 3.The Revenue Divisional Officer, Srirengam Division, Srirengam, Trichy District.
- 4.The Tahsildar, Srirengam Taluk, Srirengam, Trichy District.

+1 CC to Mr.R.R.KANNAN, Advocate, SR No.48192

+1 CC to SPECIAL GOVERNMENT PLEADER, SR No.48606

W.P.(MD) No.16748 of 2014&
M.P.(MD).No.1 of 2014 &
M.P.(MD).No.1 of 2015
30.08.2016

jikr

SH/DB:15.09.2016:3P/7C