



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.21769 of 2015

C.Tirupathi

.. Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 3.The District Revenue Officer,
Sivagangai District, Sivagangai.
- 4.The Assistant Director of Survey,
Sivagangai, Sivagangai District.
- 5.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 6.The Deputy Superintendent of Police,
Thiruppathur, Sivagangai District.
- 7.The Tahsildhar,
Thiruppathur, Sivagangai District.

8.Adaikkalam @ Rasu

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to remove the encroachments in Lekkan Kanmai situated in Survey No.129 of Chettykuruchi Village, Thiruppathur Taluk, Sivagangai District and its input channels namely Amman Thanni Kalvoy and Potta Kanmai based on the petitioner's representation dated 26.10.2015 according to law within stipulated time limit.



For Petitioner : Mr.A.Prasanna Raja Durai
for Mr.S.Muthalraj
For Respondents 1 to 7 : Mr.D.Muruganantham,
Additional Government Pleader.
For Respondent No.8 : No appearance

WEB COPY

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to issue a writ of mandamus so as to direct the first respondent to remove encroachments made in Lekkan Kanmai situates in Survey No.129 of Chettykuruchi Village, Thiruppathur Taluk, Sivagangai District.

2.It is averred in the petition that in Survey No.129 of Chettykuruchi Village, Thiruppathur Taluk, Sivagangai District, an irrigation tank is situate and the same is known as Lekkan Kanmai. Now the eighth respondent has made encroachment to certain extent in Survey No.129. Under the said circumstances, a representation has been given on 26.10.2015 to the first respondent. But the first respondent has not taken any steps. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.In the counter filed on the side of the seventh respondent, it is averred that the eighth respondent has planted coconut saplings in his patta lands, but he dug up a bore-well in Survey No.129.

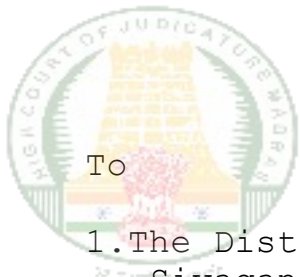
4.Considering the averments made in the counter filed by the seventh respondent and also considering the nature of allegations made in the writ petition, this Court is of the view that the relief sought in the writ petition can easily be granted.

5.In fine, this writ petition is allowed without costs and the first respondent is directed to look into the representation dated 26.10.2015 and pass suitable order after giving necessary opportunity to the persons concerned within a period of two months.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintendent of Police,
Sivagangai District, Sivagangai.

3.The District Revenue Officer,
Sivagangai District, Sivagangai.

4.The Assistant Director of Survey,
Sivagangai, Sivagangai District.

5.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

6.The Deputy Superintendent of Police,
Thiruppathur, Sivagangai District.

7.The Tahsildhar,
Thiruppathur, Sivagangai District.

+1 cc to M/S.NA.PALANIYANDI, Advocate SR.No.79170

+1 cc to Special Government Pleader SR.No.79708

ORDER MADE IN
W.P (MD) No.21769 of 2015
05.12.2016

SMA/KM/SAR-3/14.12.2016:3P/10C