



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22438 of 2015

and

M.P(MD)Nos.1 and 2 of 2015

U.S.Durai ... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

4.The Commissioner,
Thirupalani Union, Thirupalani,
Ramanathapuram District.

5.The President,
Thiruuthirakosamangai Panchayat,
Ramanathapuram District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in and around Pramatheertham Orani made along the cart street that is at the Talamarthu Theru on the northern side Amman Sannathi Street on the southern side east cart street and west Kovil ground and to construct the drainage at the edge of the said road so as to enable free pulling of cart temple during the festival season and enable free flow of traffic on all days without traffic jam in and around Brahmatheertham Orani by considering the representation of the petitioner dated 28.11.2015.

For Petitioner : Mr.S.C.Herold Singh

For Respondents 1-3 : Mr.M.Govindan,
Special Government Pleader.

For Respondents 4&5 : Mr.A.K.Baskarapandian,
Special Government Pleader.

**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 direct the respondents to remove the encroachments mentioned in the petition by way of issuance of a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Thiruuthirakosamangai Panchayat, Ramanathapuram District. Further it is averred in the petition that there is a temple by name Thiruuthirakosamangai Arulmigu Mangalanathar Mangaleswari and Prahmatheertham. On all sides of the same, so many encroachments have been made. On 28.11.2015, a representation has been given to the concerned authorities, but the concerned authorities have not taken any steps. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has advanced his argument on the basis of the averments made in the petition.

4.The learned Government Advocate appearing for the respondents 1 to 3 has also equally represented that in the place mentioned in the petition, so many encroachments are available. Further it is represented on their side that only after surveying the alleged encroachments, the same can be removed.

5.Considering the representation made on the side of the respondents 1 to 3, this Court is of the view that there are so many encroachments on all sides of the tank mentioned supra and therefore, the present petition can be allowed.

6.In fine, this writ petition is allowed without cost. The respondents 1 to 3 are strictly directed to measure the alleged encroachments with the aidance of revenue records and after following due process of law evict the same within a period of two months. Consequently, MP(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.



3.The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

4.The Commissioner,
Thirupalani Union,
Thirupalani, Ramanathapuram District.

5.The President,
Thiruuthirakosamangai Panchayat,
Ramanathapuram District.

+1 cc to M/s.S.C.Herold Singh, Advocate in SR.No.80461

+1 cc to The Special Government Pleader in SR.No.80619

MJ

CSL/GSV-PM/SAR-III/21.12.2016 :3P/8C

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