



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD] .No.4699 of 2015
and
M.P. (MD) .No.1 of 2015

K.M.Sheriff

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai,
Pudukkottai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to remove the encroachment from Nainarikulam located at Survey No.3543, in Block No.47, Pudukkottai, Pudukkottai District within a stipulated time.

For Petitioner : Mr.G.Mathavan

For 1st respondent : Mr.S.Chandrashear,
Government Advocate

For 2nd respondent : Mr.P.Mahendran

O R D E R

[Order of the Court was made by **M.V.MURALIDARAN, J.**]

The petitioner has come up with this Writ Petition seeking a direction to the respondents to remove the alleged encroachment in the land in Survey No.3543, in Block No.47, Pudukkottai, Pudukkottai District, which has been classified as Nainarikulam.



2.We have heard the learned counsel appearing on either side. We have also perused the records carefully.

3.It is submitted by the learned counsel appearing for the second respondent, on instructions, that there is no encroachment at all over the land in Survey No.3543. The said statement is recorded. So far as the first respondent is concerned, the learned Government Advocate submitted that the first respondent has already instructed the second respondent to look into the issue.

4. In view of the above stand taken by the second respondent and since there is no evidence to show that there is any encroachment on the land in question, we are unable to grant the relief sought for. This Writ Petition is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai,
Pudukkottai District.

+1 cc to The Special Government Pleader in SR.No. 71638

+1 cc to M/s.P.Mahendran, Advocate in SR.No. 71817

gcg

CSL/SS-2/21.12.2016: 2P/5C

Order made in
W.P.[MD].No.4699 of 2015
22.11.2016