



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN  
and  
THE HONOURABLE MS. JUSTICE V.M. VELUMANI

W.P. (MD) No. 17564 of 2016

P. Kalyani

... Petitioner

Vs.

1. The District Collector,  
Madurai Collectorate Campus,  
Madurai.

2. The Tahsildar,  
Usilampatti Taluk,  
Usilampatti,  
Madurai.

3. Bose

4. D. Annammal

... Respondents

**PRAYER:** The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent Nos. 1 and 2 to remove the encroachments made by the third and fourth respondents in the Government lands in Survey No. 102/1 and 102/2 an extent of 3.5 acres of land of Vannan Paraikulam and Vaigai Channel and direct the respondents No. 1 and 2 to take action against the fourth respondent for illegal activities committed by him.

For Petitioner : Mr. V. Sakthivel

For Respondents : Mr. A. Muthukaruppan  
(R1 and R2) Govt. Advocate

**ORDER**

**(Order of this Court was made by M. SATHYANARAYANAN, J.)**



2. The petitioner claims that she is the owner of the land in Survey No.102/1 and 102/2, admeasuring to an extent of 5 Acres in Kariayapatti Village, Ariyapatti Village, Usilampatti Taluk, Madurai District, and she is eking out her livelihood by doing agricultural operation for several years and according to her, the 3<sup>rd</sup> respondent is in possession of the land in S.No.118/5 and it is situated on the northern side of the land in S.No.120/1, Government Vaigai Vaikal (Water Channel). The petitioner would state that the 3<sup>rd</sup> respondent had encroached an extent of 2.5 Acres of land in the said Survey Number and erected bore-well and also managed to get electricity service connection to take water to his patta land. The Petitioner as well as the residents of the village had submitted a representation, dated June 2016 to the District Collector, and it was forwarded to the office of the second respondent, who in turn, vide memo dated 01.07.2016 in Na.Ka.No.3453/2016/A4, has directed the Revenue Inspector, Sindupattai as well as the Village Administrative Officer, Ariyapatti, to inspect the same and submit a report.

3. The petitioner has also submitted an another remainder representation, dated 11.07.2016, to the first respondent and it was forwarded to the Revenue Divisional Officer, Usilampatti, who in turn, vide memo dated 13.08.2016 in Na.Ka.No.1682/2016/A4, has directed the Tahsildar, Usilampatti, to remove the encroachment, in terms of G.O.Ms.No.540, Revenue LD.6(2), dated 04.12.2014 and submit a report along with photographs and despite that, no action has been taken and therefore, the petitioner has constrained to approach this Court by filing this Writ Petition.

4. Mr.A.Muthukaruppan, the learned Government Advocate, who accepts notice on behalf of respondents 1 and 2 would submit that the second respondent will take appropriate action, in terms of the Memo of the Revenue Divisional Officer, Usilampatti, dated 13.08.2016, within the stipulated time.

5. This Court has considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prayed for a larger relief, this Court, in the above facts and circumstances and without going into the merits of the matter, directs, the Tahsildar, Usilampatti, to act on the memo of the Revenue Divisional Officer, Usilampatti, dated 13.08.2016, in Na.Ka.No.1682/2016/Aa4, and after putting the respondents 3 and 4 on notice, shall take action in accordance with law, in the light of the above cited Government Order and pass orders, as expeditiously as possible and communicate the decision taken to the petitioner as well as to the respondents 3 and 4.



7.The Writ Petition is disposed of accordingly. No costs.

Sd/  
Assistant Registrar (W)

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/True Copy/

Sub Assistant Registrar

To

1.The District Collector,  
Madurai Collectorate Campus,  
Madurai.

2.The Tahsildar,  
Usilampatti Taluk,  
Usilampatti,  
Madurai.

+1 cc to MR.V.SAKTHIVEL, Advocate SR.No.52735

+1 cc to Special Government Pleader Sr.No.53166

**W.P. (MD) No.17564 of 2016**  
**16.09.2016**

**SMA/DB/23/09/2016 :3P/5C**