



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM:

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

W.P(MD).No.18029 of 2016

M.Kalairajan

... Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.The Sub-Collector,
Devakottai, Sivagangai District.

3.The Tashildar,
Devakottai, Sivagangai District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the third respondent to implement the directions of the second respondent dated 04.03.2016 in O.Mu. A3/1397/2016 by removing the encroachment in lands in kandadevi group in survey No.272/10, 271/15 and lands in Sirumaruther group in survey No.259/1 and 260/8 forthwith.

For Petitioner :Mr.J.Anandkumar

For R.1 to 3 :Mr.VR.Shanmuganathan

Special Government Pleader

ORDER

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

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner claims to be the resident of Kandadevi Group, Sivagangai District. He would submit that the Survey Nos.272/10 and 271/15 in Kandadevi Group and lands in Survey Nos.259/1 and 260/8 in Sirumaruther Group are classified as sarkar lands. The said lands are being used by the villagers concerned for reaching the nearby town. He would further submit that the said lands were slowly occupied by the encroachers. In



this regard, a detailed representation dated 19.02.2016 was submitted to the respondents 1 and 2 and even as per the 'A Register' the said survey numbers have been classified as Sarkar poramboke land, Mariammal Kovil Road. That apart, the second respondent, by his communication, dated 04.03.2016, has directed the third respondent to take proper action and inform the same to him. Despite that, no action is being taken by the third respondent. Hence, the petitioner came forward with the present Writ Petition.

3. This Court heard the submissions of the learned Counsel for the petitioner and Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice for the respondents and perused the materials produced before us.

4. Though the petitioner has prayed for a larger relief in this Writ Petition, in the light of the facts and circumstances, without going into the merits of the case, as projected by the petitioner, either in his representation or in this Writ Petition, this Court directs the third respondent to consider the grievance of the petitioner in the light of communication of the second respondent dated 04.03.2016, after putting notice on the encroachers and initiate action against them, in accordance with law, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner as well as the encroachers, forthwith.

In the result, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Sivagangai District.
- 2.The Sub-Collector,
Devakottai, Sivagangai District.
- 3.The Tashildar,
Devakottai, Sivagangai District.

+1cc to the special Government Pleader sR.NO.54718

+1cc to Mr.J.Anandkumar, Advocate Sr.No.54927

ssm