



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.09.2016

CORAM:

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

W.P. (MD) No.18457 of 2016
and
WMP (MD) No.13301 of 2016

S.Srinivasan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District.

2.The Tahsildar,
Tuticorin,
Tuticorin District.

3.The Block Development Officer,
Tuticorin,
Tuticorin District.

4.The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

5.The Panchayat President,
Mettilpatti Village Panchayat,
Tuticorin District.

6.K.P.Devaraj,
7.K.P.S.Vheemaraj
8.K.P.S.Jagannathan
9.K.P.S.Vijayan

10.The Inspector of Police,
Masarpatti Police Station,
Vilathikulam Taluk,
Thoothukudi District

... Respondents



PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 not to lay any road in Survey Nos.1784/43, 1784/22, 1784/32 & 1784/40A in Mettilpatti Village, Tuticorin District, till the petitioner's representation with regard to removal of encroachments as per G.O.Ms.No.540, Revenue LD6(2) Department, dated 04.12.2014 is considered and passed order as per the order of this Court in WP(MD)No.3742 of 2013.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.M.Murugan
(R1, R2 to R4 & R10)

For Respondent-5 : Mr.S.Chandrasekar
Govt.Advocate
For Mr.S.Kumar,
Addl.Govt.Pleader

ORDER

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

The petitioner claims that he has put up a superstructure in his land comprised in Survey No.1784/34/35 of Mettilpatti Post, Pudur Via, Villathikulam Taluk, Thoothukudi District and according to him, for ingress and egress to his house and also to other residents, there is a street, which connected to other street. The 5th respondent had dug up bore well in the said survey number and also put up a thatched house and besides also illegally encroached the lands in Survey Nos.1784/22 and 1784/32 and constructed a toilet. The petitioner would further claim that other private respondents 6 to 9 also had encroached upon the lands in Survey No.1784/40A and as a consequence, movement of vehicles such as Tractors etc., is gravely affected. The petitioner on an earlier occasion had approached this Court by filing W.P.(MD)No.3742 of 2013 and it was disposed of on 05.08.2015 granting liberty to the petitioner to approach the authorities in terms of G.O. (Ms).No.540, Revenue ([LD6(2)] Department, dated



04.12.2014. The grievance expressed by the petitioner is that despite the representation submitted on 19.09.2016, the respondents have not taken any action so far and hence came forward to file this Writ Petition.

2. Heard the submission of Mr.F.Deepak, the learned counsel appearing for the petitioner and Mr.M.Murugan, the learned Government Advocate appearing for R1, R2 to R4 & R10 and Mr.S.Chandrasekar, the learned Government Advocate appearing for the 5th respondent.

3. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the case, permits the petitioner to submit one more representation in the light of the above cited Government Order to the concerned authority, along with the copy of this order, within a period of three weeks from the date of receipt of a copy of this order and the jurisdictional Tahsildar, on receipt of the same, is directed to consider the said representation, after putting notice on respondents 5 to 9 and also any other encroachers and shall pass orders, within a period of 10 weeks thereafter and communicate the decision taken, to the petitioner as well as other respondents.

4. The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tuticorin District.

2.The Tahsildar,
Tuticorin,
Tuticorin District.



3.The Block Development Officer,
Tuticorin,
Tuticorin District.

4.The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

5.The Inspector of Police,
Masarpatti Police Station,
Vilathikulam Taluk,
Thoothukudi District

+1cc to M/s.F.Deepak, Advocate SR.No.56194
+1cc to Special Government Pleader SR.No.56405

W.P. (MD) No.18457 of 2016
and
WMP (MD) No.13301 of 2016

26.09.2016

mpk
SD/SKS-RR/04.10.2016/4P/8C