



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2016

CORAM:

WEB COPY

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

W.P.[MD].No.19616 of 2016

K.Gopal

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.
3. The Tahsildar,
Thiruppuvanam,
Sivagangai District.
4. The Block Development Officer,
Thiruppuvanam Union,
Sivagangai District.
5. The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
6. M.Karupusamy
7. G.Karupusamy
8. G.Gurunathan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 5 to remove the encroachment made on the common street in Survey Nos.705/11, 706/1 as well as in Survey Nos.706/2 and 706/4 is belong to Government natham situate at Piramanoor Group, Chokkanathiruppu, Thiruppuvanam Taluk, Sivagangai District, by considering the representation of the petitioner dated 04.10.2016 within a stipulated time as may be fixed by this Hon'ble Court.



For Petitioner : Mr.P.Subbaraj
For respondents 1 to 3 : Mr.M.Govindan,
& 5 Special Government Pleader
For 4th respondent : No appearance
For respondents 6 to 8 : Mr.R.Udhayakumar

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

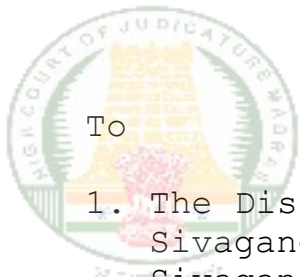
The petitioner has come up with this litigation alleging that the respondents 6 to 8 have encroached upon the Government land comprised in Survey No.705/11, 706/1, 706/2 and 706/4 at Piramanoor Group, Chokkanathiruppu, Thiruppuvanam Taluk, Sivagangai District.

2.Today, when the matter was taken up for hearing, the learned Special Government Pleader would submit that the impugned lands comprised in Survey Nos.706/2 and 706/4 are natham lands and they are private lands and not the Government promboke lands. Therefore, there is no question of encroachment in respect of these two private lands. So far as the Survey Nos.705/11 and 706/1 are concerned, they are the Government lands which have been classified as Government Promboke land (Street). The learned Special Government Pleader would further submit that if there is any encroachment in these two survey numbers, by following the procedure established by law, the same will be removed.

3. The learned counsel appearing for the respondents 6 to 8 would submit that they are prepared to remove the encroachments, if any, on Survey Nos.706/1, If it is so ascertained on survey. The learned counsel would further submit that the petitioner has encroached upon a portion of the land comprised in Survey No.705/11. The learned counsel for the petitioner undertook before this Court that on survey, if any portion in Survey No.705/11 is found to have been encroached upon by the petitioner, the petitioner, without any objection, would remove that encroachment or else, the respondents 1 to 4 shall remove the said encroachment by following the procedure established by law. The said statements are recorded.

4.This Writ Petition is accordingly disposed of. No costs.
Sd/
Assistant Registrar(CS-I)

/True Copy/



To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.

3. The Tahsildar,
Thiruppuvanam,
Sivagangai District.

4. The Block Development Officer,
Thiruppuvanam Union,
Sivagangai District.

5. The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.

+1CC to M/S.P.Subbaraj, Advocate, SR.No.69936.

+1CC to M/S.Mr.R.Udhayakumar, Advocate, SR.No.69925.

Order made in
W.P.[MD].No.19616 of 2016
17.11.2016

gcg

MSM/SS3/SAR-3/25.11.2016/3P/8C