



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24264 of 2016

S.Arulsamy

.. Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildhar,
Dindigul East,
Dindigul District.

3.Savariyar

4.Dhass @ Tailor @ Arockiyasamy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondents to initiate legal action against the third and fourth respondents and consequently remove the encroachment in the common street namely Saveriyar Kovil Street in Survey No.870/15 and No.870/5 of Vembarpatti Village, Dindigul Taluk.

For Petitioner : Mr.M.Farhathullah

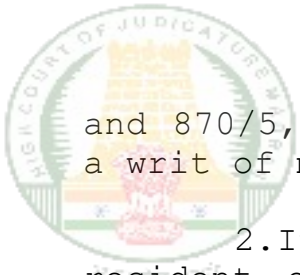
For Respondents 1 and 2 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondents 3 and 4 : No appearance

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to initiate legal action against the respondents 3 and 4 to remove encroachment in the common street comprised in Survey Nos.870/15



and 870/5, Vembarpatti Village, Dindigul Taluk, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Vembarpatti Village, Dindigul Taluk, wherein Survey Nos.870/15 and 870/5 have been classified as street. The respondents 3 and 4 have made encroachments. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has advanced his argument on the basis of the averments made in the writ petition.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 has submitted an extract of Adangal Register, wherein it has been clearly stated that both Survey Nos.870/15 and 870/5 have been classified as street.

5.Considering the fact that the survey numbers mentioned in the petition are classified as street, if there is any encroachment the respondents 1 and 2 are liable to remove the same under due process of law and therefore the present writ petition is liable to be allowed.

6.In fine, this writ petition is allowed without costs and the respondents 1 and 2 are directed to take appropriate action as per law to remove encroachments made in Survey Nos.870/15 and 870/5, Vembarpatti Village, Dindigul Taluk, within a period of two months.

Sd/-
Deputy Registrar

/True Copy/

Sub Assistant Registrar

smn

To

1.The District Collector, Dindigul District.

2.The Tahsildhar, Dindigul East, Dindigul District.

+1CC to Mr.R.Pandi Maharaja, Advocate Sr.No.83236

+1CC to Spl.Government Pleader Sr.No.82943

CSL/11.1.17-2p-5C