



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.24462 of 2016

K.N.Sheik Mohamed

.. Petitioner

Vs.

1.The District Collector,
Pudukottai District, Pudukottai.

2.The District Revenue Officer,
Pudukottai.

3.The Revenue Divisional Officer,
Pudukottai.

4.The Tahsildar, Thirumayam Taluk,
Pudukottai District.

5.The Block Development Officer,
Panchayat Union Office,
Thirumayam, Pudukottai District.

6.The Block Development Officer,
Village Panchayat, Panchayat Union Office,
Thirumayam, Pudukottai District.

7.RM.Karppaiah

.. 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 sixth respondent herein to remove the encroachment put up by the seventh respondent herein in the land viz., Puthukanmoi in Survey No.956, Lambalakudi Village, Thirumayam Taluk, Pudukottai District, pursuant to the notice dated 18.08.2016 of the sixth respondent.

For Petitioner

:Mr.AR.L.Sundaresan, Senior Counsel
for M/s.AL.Gandhimathi

For Respondents 1 to 6: Mr.M.Govindan,

Special Government Pleader.

**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 sixth respondent to remove encroachments which are in existence in Puthukanmoi in Survey No.956, Lambalakudi Village, Thirumayam Taluk, Pudukottai District, by way of issuing a writ of mandamus.

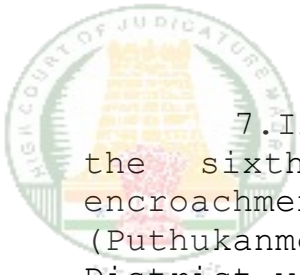
2.It is averred in the petition that the petitioner is a resident of N.Pudur, Nachandupatti, Thirumayam Taluk, Pudukottai District. Further it is averred in the petition that for the purpose of removing the alleged encroachments made in Survey No.956, the present petitioner and one Alagumani as petitioners have filed W.P(MD)No.7392 of 2006 on the file of this Court, wherein a specific direction has been given to the Village President to remove all encroachments as per law. But the Village President has not done anything and further the sixth respondent has given a notice dated 18.08.2016 and even after issuance of notice, no action has been taken to remove encroachments. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 6. Considering the earlier order passed by this Court and also considering the nature of the relief sought in the present writ petition, notice need not be sent to the seventh respondent.

4.The learned senior counsel appearing for the petitioner has contended to the effect that even though in W.P(MD)No.7392 of 2006, an executable order has been passed, the authorities have not taken proper steps to remove existing encroachments in Survey No.956, Lambalakudi Village, Thirumayam Taluk, Pudukottai District and under the said circumstances the present writ petition has been filed for getting the relief sought therein.

5.The learned Special Government Pleader appearing for the respondents 1 to 6 has also fairly conceded that Survey No.956 has been classified as Puthukanmoi, wherein certain encroachments are in existence and since a civil suit has been filed, there is a delay in removing encroachments.

6.Considering the divergent submissions made on either side, it is made clear that in Survey No.956 some encroachments are in existence. Since some encroachments are in existence, this view to direct the sixth respondent to remove the same.



7. In fine, this writ petition is allowed without costs and the sixth respondent is strictly directed to remove all encroachments which are in existence in Survey No.956 (Puthukanmoi), Lambalakudi Village, Thirumayam Taluk, Pudukottai District within a period of one month.

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/True Copy/

Sd/-

Assistant Registrar (P&A)

Sub Assistant Registrar

smn

To

1. The District Collector, Pudukottai District, Pudukottai.

2. The District Revenue Officer, Pudukottai.

3. The Revenue Divisional Officer, Pudukottai.

4. The Tahsildar, Thirumayam Taluk,
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Thirumayam, Pudukottai District.

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Village Panchayat, Panchayat Union Office,
Thirumayam, Pudukottai District.

+1CC to M/S.AL.Ganthimathi, Advocate Sr.No.82606

GJM/KM/10.1.17-3p-8c

**ORDER MADE IN
W.P(MD) No.24462 of 2016
21.12.2016**