



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM:

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

W.P (MD) No.24641 of 2016

Balu

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Sub Collector,
Revenue Divisional Officer,
Ram Nagar, Devakottai,
Sivagangai District.

3.The Tahsildhar,
Tahsildhar Office,
Ram Nagar, Devakottai,
Sivagangai District.

4.The Village Administrative Officer,
Kottavayal Group, Periyakarai Post,
Devakottai Taluk, Sivagangai District.

5.Kottai

.. 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 respondents to consider petitioner's representation dated 15.02.2016 and 09.12.2016 to directing the respondents to remove the encroachment in Survey No.49/29 as a common path way and the Government poromboke in Survey No.49/31 situated in Kottavayal Village, Periyakarai Post, Devakottai Taluk, Sivagangai District within a stipulated time frame as fixed by this Court.

For Petitioner

: Mr.S.Muthukumar

For Respondents 1 to 4

: Mr.R.Velmurugan,
Government Advocate.

**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 to 4 to remove encroachments alleged to have been made by the fifth respondent in Survey Nos.49/29 and 49/31, Kottavayal Village, Periyakarai Post, Devakottai Taluk, Sivagangai District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Kottivayal Village, wherein Survey Nos.49/29 has been classified as a pathway and Survey No.49/31 has been classified as poromboke land. But the fifth respondent has made certain 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 only on the basis of averments made in the petition.

4.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the writ petition, notice need not be sent to the fifth respondent.

5.It is seen from the records that Survey No.49/29 has been classified as a pathway. But with regard to Survey No.49/31 on the side of the petitioner no document has been filed.

6.Considering the fact that Survey No.49/29 has been classified as pathway and if there is any encroachment, the respondents 1 to 4 can be directed to remove the same as indicated below.

7.In fine, this writ petition is allowed in part without costs and the respondents 1 to 4 are directed to remove encroachments if any in Survey No.49/29 under due process of law within a period of two months.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.



2.The Sub Collector,
Revenue Divisional Officer,
Ram Nagar, Devakottai,
Sivagangai District.

3.The Tahsildhar,
Tahsildhar Office,
Ram Nagar, Devakottai,
Sivagangai District.

4.The Village Administrative Officer,
Kottavayal Group,
Periyakarai Post,
Devakottai Taluk,
Sivagangai District.

+1 cc to M/s.S.Muthukumar, Advocate in SR.No.82677

+1 cc to The Special Government Pleader in SR.No.83172

smn

JAM/SKN/SAR-III/30.12.2016 :3P/7C

ORDER MADE IN
W.P(MD)No.24641 of 2016
22.12.2016