



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2016

CORAM:

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

W.P(MD)No.24913 of 2016

1.K.Piramanayagam
2.M.Shanmuga Narayanan .. Petitioners
Vs.

1.The President/Block Development Officer
(Village Panchayat),
Kadayam Panchayat, Kadayam,
Ambasamuthram Taluk,
Tirunelveli District.

2.The Block Development Officer,
Kadayam Panchayat Union, Kadayam,
Ambasamuthram Taluk,
Tirunelveli District.

3.The Thasildar,
Ambasamuthram Taluk,
Ambasamuthram, Tirunelveli District.

4.The District Collector/Inspector of Panchayat,
Tirunelveli District, Tirunelveli.

5.M.Syed Ali
6.M.Kaier Nishal .. 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 take necessary action to remove the unauthorized constructions and encroachment in south North pathway in survey 537/28 situated on the west and east west path way in survey No.537/23 on the north of the commercial complex construction going on in survey No.537/29 of Kadayam Village, Tirunelveli District.

For Petitioners
For Respondents 1 to 4

: Mr.V.Kannan
: 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 respondents 1 to 4 to remove encroachments alleged to have been made in Survey Nos.537/28 and 537/23, Kadayam Village, Ambasamuthram Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioners are the residents of Kadayam Village, Ambasamuthram Taluk, Tirunelveli District. Further it is averred in the petition that in Kadayam Village Survey Nos.537/28 and 537/23 have been classified as lane wherein certain encroachments have been made by the respondents 5 and 6 and in order to remove the same, the present writ petition has been filed.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the petition, notice need not be sent to the respondents 5 and 6.

4.It is seen from the records that even in the letter issued by the third respondent viz., Tahsildar, Ambasamuthram, it is shown that Survey Nos.537/28 and 537/23 are nothing, but lanes.

5.The grievance expressed on the side of the petitioners is that the respondents 5 and 6 have made certain encroachments.

6.Considering the fact that in revenue records Survey Nos.537/28 and 537/23 have been shown as lanes and also considering the nature of allegation made against the respondents 5 and 6 on the side of the petitioners, this Court is of the view to give the following direction to the respondents 1 to 4.

7.In fine, this writ petition is allowed without costs and the respondents 1 to 4 are directed to remove encroachments if any in Survey Nos.537/28 and 537/23 in Kadayam Village, Ambasamuthram Taluk, Tirunelveli District within a period of two months and that too after giving proper opportunities to the petitioners as well as alleged encroachers.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar



smn
To

1.The President/Block Development Officer
(Village Panchayat),
Kadayam Panchayat, Kadayam,
Ambasamuthram Taluk,
Tirunelveli District.

2.The Block Development Officer,
Kadayam Panchayat Union, Kadayam,
Ambasamuthram Taluk,
Tirunelveli District.

3.The Thasildar,
Ambasamuthram Taluk,
Ambasamuthram, Tirunelveli District.

4.The District Collector/Inspector of Panchayat,
Tirunelveli District, Tirunelveli.

+1CC to Mr.V.Kannan, Advocate Sr.No.83287
+1CC to Spl.Government Pleader Sr.No.83572

GJM/KM/10.1.17-3p-7c

ORDER MADE IN
W.P(MD)No.24913 of 2016
23.12.2016