



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

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Writ Petition (MD) No.3336 of 2011

M.Subramanian

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.Kannan

3.Somasundaram

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st Respondent to remove the encroachment made by the 2nd and 3rd Respondents in Sarkar Poramboke land bearing Survey Numbers 477/1 and 477/2 in Narputham Village, Sivagangai Taluk, Sivagangai District.

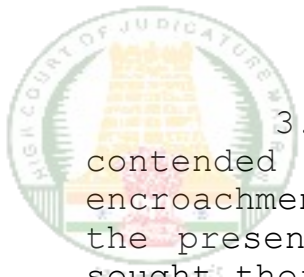
For Petitioner	: Mr.M.Gnanagurunathan
For R - 1	: Mr.D.Muruganadham
	Additional Government Pleader.
For R - 2 and 3	: Mr.G.Marimuthu

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 first respondent to remove encroachments alleged to have been made by the remaining respondents in Survey Nos.477/1 and 477/2 in Narputham Village, Sivagangai 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 Kurundani Variyendal Village. Survey Nos.477/1 and 477/2 are situate in Narputham village, wherein the respondents 2 and 3 have made certain encroachments. But the first respondent has not taken any steps to remove the same and therefore, the present writ petition has been filed for getting the relief sought



3.The learned counsel appearing for the petitioner has contended that since the respondents 2 and 3 have made certain encroachments in Survey Nos.477/1 and 477/2 in Narputham village, the present writ petition has been filed for getting the relief sought therein.

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4.The learned Additional Government Pleader appearing for the first respondent has submitted relevant field map plan, wherein it has been clearly stated that there is a pathway in southern portion of Survey No.477. Further as per revenue records, Survey Nos.477/1 and 477/2 have been classified as sarkar poramboke land.

5.Considering the fact that the disputed survey numbers have not been classified as water bodies nor canals and also considering that for having ingress and egress to the field of the petitioner a separate pathway is available in the southern portion of Survey No.477, the relief sought in the writ petition cannot be granted and therefore, this writ petition deserves to be dismissed.

6.In fine, this writ petition is dismissed without cost.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

mj
To
The District Collector,
Sivagangai District,
Sivagangai.

+1cc to Mr.M.Gnanagurunathan(SR 82154)
+1cc to Mr.G.Marimuthu(SR 81966)
+1cc to the Spl.government pleader.

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GJM/GSV/PM/2P/5C-5.1.17