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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.3624 of 2011

Muthulakshmi

... Petitioner

Vs.

- 1.The District Collector,
Pudukottai.
- 2.The Revenue Divisional Officer,
Pudukottai District.
- 3.The Tahsildar,
Kulathur,
Pudukottai District.
- 4.Arockiamary
- 5.Durai
- 6.Rasu
- 7.Arulkennedy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to remove the encroachment in S.F.No.9 of Melur Village, Sathiyamangalam, Kulathur Taluk by the Respondents 4 to 7.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents 1-3 : Mr.D.Muruganandham,
Additional Government Pleader.

For Respondents 4-7 : Mr.K.Baalasundharam

O R D E R

(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 3 to remove the encroachments made by the remaining respondents in S.F.No.9 (Vari), Melur Village, Sathiyamangalam, Kulathur 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 Sathiyamangalam, Kulathur Taluk, Pudukottai District. In Melur village, S.F.No.9 has been classified as 'vari' and the respondents 4 to 7 have encroached the same. Under the said circumstances, various representations have been given to the respondents. But the respondents have not evidenced



any interest in removing encroachments. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

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3.The learned counsel appearing for the petitioner has contended that in Melur Village, Kulathur Taluk, S.F.No.9 has been classified as 'vari' and the same has been encroached by the respondents 4 to 7 and in order to remove the same, various representations have been given to the respondents 1 to 3. But the respondents 1 to 3 have not taken any effective steps so as to remove the encroachments. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

4.It is seen from the records that S.F.No.9 has been classified as 'Vari'. Further it is seen from the records that on the side of the petitioner various representations have been given to the respondents 1 to 3, but the respondents 1 to 3 have not taken any steps to remove the encroachments.

5.Considering the fact that S.F.No.9 has been classified as a 'vari' and also considering that various representations have been given to the respondents 1 to 3 for removing encroachments, this Court is of the view to grant the relief sought in the petition.

6.In fine, this Writ petition is allowed without cost. The respondents 1 to 3 are strictly directed to remove the encroachments which are in existence in S.F.No.9, Melur Village, Kulathur Taluk under due process of law within a period of two months.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS2)

To

- 1.The District Collector,
Pudukottai.
- 2.The Revenue Divisional Officer,
Pudukottai District.
- 3.The Tahsildar,
Kulathur,
Pudukottai District.

+1cc to Mr.K.Baalasundharam, Advocate in SR No.80559

+1cc to the Spl.Govt.Pleader in SR No.80530