

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.13859 of 2015
and
M.P.Nos.1 and 2 of 2015

Maruthambal

... Petitioner

Vs

1. The State of Tamilnadu,
rep. by Secretary to Govt.
Public Works Department,
Fort St. George, Chennai-600 009.
 2. The District Collector,
Perambalur District,
Perambalur.
 3. The Thasildhar,
Perambalur Taluk,
Perambalur District.
 4. The Junior Engineer,
Public Works Department,
Water Resource Organization,
Irrigation Section,
Perambalur, Perambalur District.
 5. The Perambalur Town Panchayat,
rep. by Administrative Officer
Perambalur 621 212, Perambalur District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the 4th respondent in connection with the order dated 21.03.2015 and quash the same and direct the respondents not to proceed with regard to the alleged encroachment of the petitioner in respect of 62 cents of land in Survey No.27/1, Thoramangalam village, Perambalur Taluk, Perambalur without furnishing a copy of report of survey officer and giving an opportunity to state petitioner's case.

For Petitioner : Mr.V.Prakash
Senior Counsel
for M/s.Dev Adason and Sagar

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it transpires that the petitioner has had the rights of usufructs of trees for couple of decades. It is possible that some area may have been encroached, for which notices were issued and now, a wall has been constructed. However, access to the area, as per the learned Senior Counsel for the petitioner, is still available.

2. In view of the aforesaid facts and circumstances, the District Collector, Perambalur/respondent No.2 may examine this issue whether the arrangement of usufructs for the benefit of the petitioner which has continued for the last couple of decades, may continue without affecting the other rights of the respondents. A decision in this behalf may be taken within a period of two months from the date of receipt of copy of this order.

3. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Govt.
Public Works Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Perambalur District,
Perambalur.

3.The Thasildhar,
Perambalur Tluk,
Perambalur District.

4.The Junior Engineer,
Public Works Department ,
Water Resource Organization,
Irrigation Section,
Perambalur, Perambalur District.

5.The Administrative Officer,
Perambalur Town Panchayat,
Perambalur 621 212,
Perambalur District.

+2cc's to M/s.Dev Adason and Sagar, Advocate, S.R.No.5614

W.P.No.13859 of 2015

KJ(CO)
CA(09/02/2017)



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