

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM :

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

W.P.No.1762 of 2017

K.Subramanian

... Petitioner

Vs

1. The District Revenue Officer,
District Revenue Office,
Erode District.

2. The Thasildar,
Taluk Office,
Erode.

3. Village Administrative Officer,
No.36, Thindal Village,
Thindal, Erode.

4. V.Thulasimani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment over the Odai at Thindal Village, Erode District.

For Petitioner : Mr.M.V.Venkateshan

For Respondents : Mr.M.K.Subramanian
Government Pleader
for R1 to R3

WEB COPY

ORDER

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

The petitioner claims that respondent No.4 has encroached on the Odai poramboke, situated adjacent to his property in S.No.214/1, Thindal Village, Erode District. He further states that as per his intimation, the suit filed by respondent No.4 in O.S.No.300 of 2011 before the First Additional District Court,

Erode for bare injunction has been recently dismissed and in any case, there was no injunction operating.

2. We direct the District Revenue Officer, Erode/respondent No.1 to cause an inspection to be made of the area in question with the assistance of the Surveyor within fifteen days of the receipt of the copy of this order and in case any encroachment is found, take action in accordance with law, after notice to all concerned and conclude the proceedings within a maximum period of three months thereafter.

3. The aforesaid is of course subject to there being no interdict from any Court and so far as the civil suit is concerned, the Division Bench judgment of this Court in Consumer Action Group, rep. by its Trustee, Tara Murali, No.7, 4th Steet, Venkateswara Nagar, Adyar, Chennai-20 and others v. The State of Tamil Nadu, rep. by its Secretary to Government, Law Department, Fort St. George, Chennai-9 and others, reported in 2006 (4) CTC 483 would be brought to the notice of the Court, in case the suit is still pending.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
District Revenue Office,
Erode District.

2. The Thasildar,
Taluk Office,
Erode.

+1cc to Mr.M.V.Venkataseshan, Advocate, S.R.No.4675
+1cc to the Government Pleader, S.R.No.4895

W.P.No.1762 of 2017

RV(CO)
CA(08/02/2017)