

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM :

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

W.P. No.42115 of 2016

K.G.Sundaram

... Petitioner

-Vs-

1. The District Collector,
Erode District, Erode.
2. The Assistant Director of Town Panchayats,
Erode Region, Collectorate, Erode.
3. The Tahsildar,
Perundurai, Erode District.
4. The Executive Officer,
Kanchikovil Town Panchayat,
Kanchikovil, Erode District.
5. Rajeswari

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 4th respondent to forthwith implement the direction issued by the 3rd respondent by his letter in Na.Ka.6018/2014/A8 dated 06.07.2016.

For Petitioner : Mr.P.P.Shanmugasundaram

For Respondents : Mr.M.K.Subramanian,
Government Pleader for RR 1 to 3
: Mr.R.Vijayakumar,
Additional Government Pleader
for R-4

: Mr.D.Gopal for R5

O R D E R

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

The petitioner alleges that the fifth respondent has encroached of the land meant for a pathway. The report filed by the fourth respondent shows that an inspection has been made at the site to measure the property and fix the boundary lines for R.S.No.1099/22 and thereafter, notices had been issued to the fifth respondent under Sections 5 and 7 of the Tamil Nadu Land Encroachment Act, 1905. It is also informed that the fifth respondent has filed a vexatious suit in O.S.No.1 of 2017 before the District Munsif Court of Perundurai on 02.01.2017, even though such a suit would not be maintainable in view of the judgment of this Court in Consumer Action Group vs. The State of Tamil Nadu, 2006 (4) CTC 483.

2.Since a notice has already been issued under Section 7 of the said Act, it is for the fifth respondent to raise whatever defenses that are available and the proceedings shall be concluded within the maximum period of two (2) months from today.

3.Writ petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

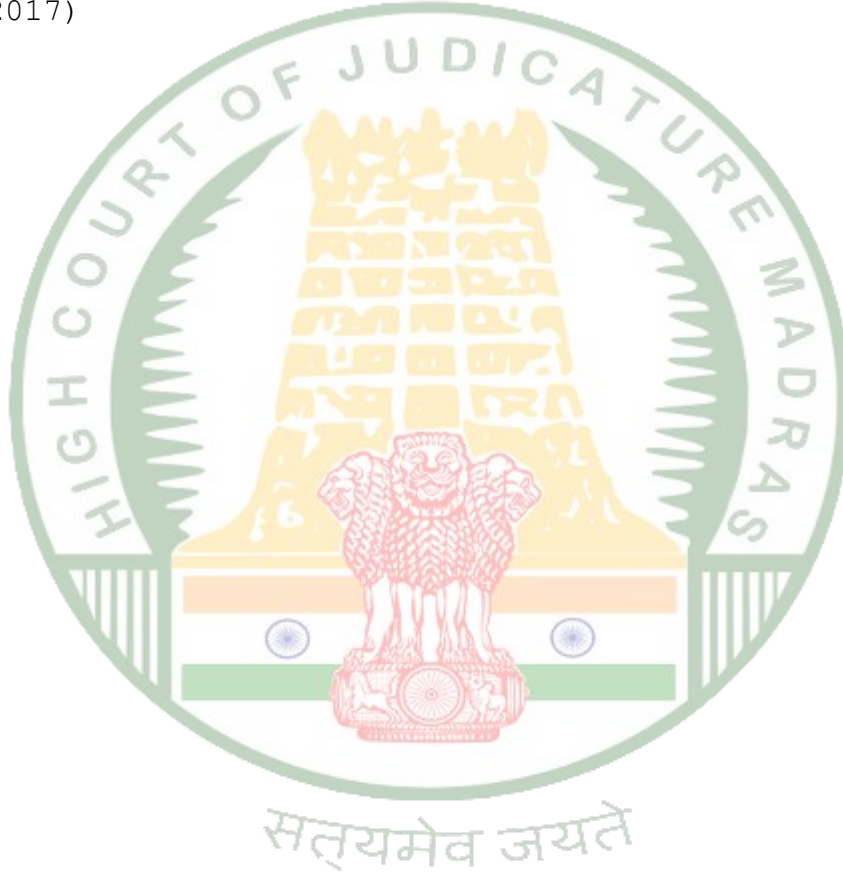
1. The District Collector,
Erode District, Erode.
2. The Assistant Director of Town Panchayats,
Erode Region,
Collectorate, Erode.
3. The Tahsildar,
Perundurai, Erode District.
4. The Executive Officer,
Kanchikovil Town Panchayat,
Kanchikovil, Erode District.

5. The District Munsif,
Perundurai.

+1cc to Mr.D.Gopal, Advocate, S.R.No.4227
+1cc to Mr.P.P.Shanmugasundaram, Advocate, S.R.No.4343
+1cc to the Government Pleader, S.R.No.4291

W.P.No.42115 of 2016

RSY (CO)
CA(01/02/2017)



WEB COPY