



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Ninth day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.SELVAM

AND

The Hon`ble Mr.Justice P.KALAIYARASAN

WMP(MD) No.1075 of 2017

IN

WP(MD) No.1293 of 2017

V.PALANIAMMAL,
W/O.LATE VISVANATHAN, 4/50, WEST STREET,
THIRUNARRAIYUR, NATCHARKOVIL POST,
KUMBAKONAM TALUK, THANJAVUR DISTRICT - 612 602 ... PETITIONER

Vs

1 THE DISTRICT COLLECTOR,
THANJAVUR DISTRICT, THANJAVUR.

2 THE TAHSILDAR
KUMBAKONAM TALUK, THANJAVUR DISTRICT.

3 THE BLOCK DEVELOPMENT OFFICER
THIRUVIDAIMARUTHUR UNION, THANJAVUR DISTRICT.

4 THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (WRD), KAVERI BASIN
CIRCLE, THANJAVUR DISTRICT.

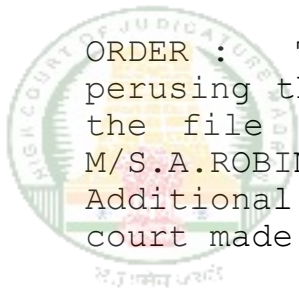
5 THE SPECIAL OFFICER,
ENANALLOOR PANCHAYAT, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT. ... RESPONDENTS

Prayer in WMP(MD).No.1075 of 2017

Writ miscellaneous, petition filed under article 226 of the Constitution of India to appoint the Advocate Commissioner to ascertain the encroachment made by the respondents No.3 and 5 in the field channel as well as in the petitioner's cultivating land survey Nos.94/2, 94/3, 98/4 of an extent of 4 Acers and 15 cents situated at Enanallor Village, Kumbakonam Taluk, Thanjavur with the assistance of Taluk Surveyor attached with the office of the 2nd respondent pending disposal of the above writ petition.

Prayer in WP(MD). 1293 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents No.1 to 5 to remove the encroachment made in field channel and the petitioners cultivating land survey Nos.94/2, 94/3, 98/4 of an extent of 4 Acers and 15 cents situated at Enanallor Village, Kumbakonam Taluk, Thanjavur District.



ORDER : This Writ petition coming on for hearing on this day Upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and upon hearing the arguments of M/S.A.ROBINSON, Advocate for the petitioner and Mr.D.MURGANANTHAM, Additional Public Prosecutor on behalf of the Respondents and this court made the following order:-

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[Order of the Court was made by **A. SELVAM,**]

This petition has been filed praying to appoint an Advocate Commissioner for the purpose mentioned therein.

2.It is averred in the petition that the petitioner has filed W.P(MD)No.1293 of 2017 on the file of this Court. Further it is averred in the petition that Survey Nos.94/2, 94/3 and 98/4, Enanallor Village are the absolute properties of the petitioner. In a portion of the same, the respondents have encroached for the purpose of laying road. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3.Considering the fact that the specific case of the petitioner is that there is an encroachment for laying road in the survey numbers mentioned in the petition, this Court is of the view to appoint an Advocate Commissioner.

4.In fine, this petition is allowed. Advocate M/s.S.M.Anusha, No.81, Law Chambers, High Court Buildings, Madurai is appointed as Commissioner and her fee is fixed at Rs.5,000/- [Rupees five thousand only] and the same should be paid directly by the petitioner. The Advocate Commissioner is directed to measure the survey numbers mentioned in the petition with the assistance of Taluk Surveyor and file report and plan by 22.02.2017.

5.Post the matter by 22.02.2017.

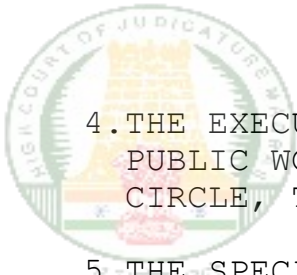
Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

TO

- 1.THE DISTRICT COLLECTOR,
THANJAVUR DISTRICT, THANJAVUR.
- 2.THE TAHSILDAR
KUMBAKONAM TALUK, THANJAVUR DISTRICT.
- 3.THE BLOCK DEVELOPMENT OFFICER
THIRUVIDAIMARUTHUR UNION, THANJAVUR DISTRICT.



4. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (WRD), KAVERI BASIN
CIRCLE, THANJAVUR DISTRICT.

5. THE SPECIAL OFFICER,
ENANALLOOR PANCHAYAT, THIRUVIDAIMARUTHOOR,
THANJAVUR DISTRICT.

Copy to:
M/s S.M.Anusha,
Advocate,
No.81, Law Chamber,
High court Building,
Madurai-625 023.

+1cc to Mr.A.Robinson, Advocate SR.No.7188

ORDEER DATE :09/02/2017
HEARING DATE:22/02/2017

ORDER

WMP (MD) No.1075 of 2017
IN
WP (MD) No.1293 of 2017

MS/JM/SAR2/14.2.2017/3P.8C