



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4364 of 2014
and
M.P.(MD) No.1 of 2014

M.V.Devasagayam

... Petitioner

Vs.

1.The District Collector,
Collectorate, Tirunelveli.

2.The Assistant Director of Town Panchayat,
Collectorate, Tirunelveli.

3.The Tahsildar,
Taluk Office, Nanguneri,
Tirunelveli District.

4.The Executive Officer,
The Special Grade Town Panchayat,
Nanguneri Taluk,
Tirunelveli District.

5.The Inspector of Police,
O/O.Inspector of Police,
Eruvadi Police Station,
Nanguneri Taluk,
Tirunelveli District.

6.Kittu @ Krishnan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the sixth respondent herein in Survey No.160, 160/1, 160/11 at 11th ward Mahelady, South Street, Nanguneri Taluk, Tirunelveli District based on the revenue records and the enquiry conducted by the 4th respondent and with the help of the 5th respondent police by virtue of the representation dated 23.02.2014 of the petitioner.

<https://hcservices.ecourts.gov.in/hcse/Pet/> Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 5
Mrs.Sona for Mr.I.Suthakaran for R6

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioner has come up with the writ petition on allegation that in spite of the notice issued to the sixth respondent earlier by the Executive Officer, follow up action was not taken to remove the encroachment caused by him in respect of the land in No.160, 160/1, 160/11 at eleventh ward Mahelady, South Street, Nanguneri Taluk, Tirunelveli District.

2.The learned counsel for the sixth respondent submitted that the Government have already given patta to the sixth respondent in respect of the property in question and as such, there is no encroachment as contended by the petitioner.

3.We direct the third respondent to issue notice to the sixth respondent and decide the matter on merits as per law. It is needless to point out that the land shall be surveyed taking into account the revenue records. While deciding the matter, the Tahsildar shall also take in to account the patta stated to have been given to the sixth respondent. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.

To

- 1.The District Collector, Collectorate, Tirunelveli.
 - 2.The Assistant Director of Town Panchayat,
Collectorate, Tirunelveli.
 - 3.The Tahsildar, Taluk Office, Nanguneri, Tirunelveli District.
 - 4.The Executive Officer, The Special Grade Town Panchayat,
Nanguneri Taluk, Tirunelveli District.
 - 5.The Inspector of Police, O/O.Inspector of Police,
Eruvadi Police Station, Nanguneri Taluk, Tirunelveli District.
- +1CC to Mr.S.Sivathilakar, Advocate, SR.No.67582
+1CC to Mr.I.Suthakaran, Advocate, SR.No.67496
+1CC to the Special Government Pleader SR.No. 68386

W.P(MD)No.4364 of 2014

and

M.P.(MD) No.1 of 2014

25.07.2017