

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**AND****THE HONOURABLE MR.JUSTICE P.VELMURUGAN****W.P. [MD].No.11262 of 2017**

V.Madurappa

: Petitioner

Vs.

1. The Revenue Divisional Officer,
cum Sub-Collector,
Paramakudi, Ramanathapuram District.
2. The Tahsildar,
Mudukulathur Taluk Office,
Mudukulathur, Ramanathapuram District.
3. Vimala

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachment, which has been made by the third respondent in Survey No.298/3 at Veerambal Village, Ilemchembur Group, Mudukulathur Taluk, Ramanathapuram District.

For Petitioner : Mr.M.Boominathan.

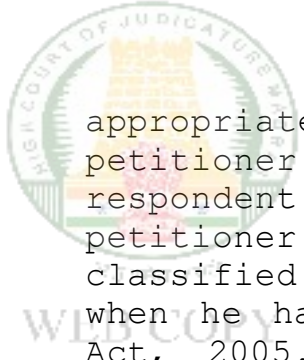
For Respondents 1&2: Mr.T.S.Mohammed Mohideen

Additional Government Pleader.

O R D E R[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.Boominathan, learned counsel for the petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, who appears and accepts notice for the respondents 1 and 2. In the light of the order, which we propose to pass in this Writ Petition, notice to the third respondent is dispensed with.

2. The allegation made in the Writ Petition is that the third respondent has encroached upon a public pathway, apart from encroaching the patta land of the petitioner. The learned counsel for the petitioner would state that insofar as the encroachment made by the third respondent in his patta land, he is initiating



appropriate proceedings before the Civil Court. The concern of the petitioner is about the alleged encroachment made by the third respondent in a water channel. The learned counsel for the petitioner would submit that the Survey No.298/3 has been classified as Water Channel and he came to know about the same, when he had obtained information under the Right to Information Act, 2005. In this regard, a representation was sent by the petitioner to the first respondent.

3. We find that the said representation was taken on file and the first respondent has issued notice dated 13.01.2017 to the petitioner and the third respondent directing them to appear for hearing on 25.01.2017. The petitioner would state that he had appeared for the hearing on the said date, but, the third respondent did not appear for the hearing.

4. In the light of the above, we direct the first respondent to issue fresh notice to the petitioner and the third respondent, afford them a personal hearing and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of notice to the parties. We make it clear that we have not decided as to whether there is any encroachment or not and it is for the first respondent to take a decision in the matter.

5. The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
cum Sub-Collector,
Paramakudi, Ramanathapuram District.
2. The Tahsildar,
Mudukulathur Taluk Office,
Mudukulathur, Ramanathapuram District.

+1cc to M/S. J.SENTHIL KUMARAI AH, Advocate, SR.No.60871.
+1cc to Special Government Pleader, SR.No.60987.

ORDER MADE IN
W.P.[MD].No.11262 of 2017
19.06.2017