



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11269 of 2017

J.Barakkath Nisha

.. Petitioner

Vs.

1. The District Collector,
Collector Office,
Trichy.

2. The Revenue Divisional Officer,
Srirangam, Trichy.

3 .The Tahsildar,
Manapparai Taluk,
Manapparai,
Trichy District.

4. M.Mohamed Sulaiman

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 03.05.2017 in respect of lands in S.No.39/1 and 39/1B, Patta No.2838, Kumarapatty Village, Manapparai Taluk, Trichy District and direct the respondents to pay compensation of Rs.25,000/- to the petitioner for damaging the said lands by illegal means violating the order of this Court in W.P.(MD)No.327 of 2017.

For petitioner

: Mr.S.Manohar

For respondents

: Mr.M.Govindan

Special Government Pleader
for R.1 to R.3

: No Appearance
for R.4

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The fourth respondent earlier filed a Writ Petition in W.P. (MD) No.327 of 2017, directing the respondents 1 to 3 herein to remove the encroachment said to have been caused by the petitioner herein in the Government Vaari Poromboke land in Survey No.35/1,
<https://hcservices.ecourts.gov.in/hcservices/>



36 to 39 situated at Kumaravadi Village, Manapparai Taluk, Trichy District.

2. This Court, by order dated 09.01.2017, directed the jurisdictional Tahsildar to look into the representation and remove the encroachment.

3. It is the case of the petitioner that without the association of the Tahsildar, the fourth respondent himself took action and damaged the crops under the guise of implementing the order for removal of encroachment. The petitioner, therefore, submitted a representation to the respondents 1 to 3, dated 03.05.2017, to take action against the fourth respondent, to measure the property on the basis of the survey records and ascertain the correct factual position.

4. The factual matrix indicates that instead of the jurisdictional Tahsildar surveying the property and take action for removal of encroachment, the fourth respondent himself took up the cause and caused damage to the petitioner's property stated to be a patta land.

5. Though the fourth respondent received the summons, he has not taken care to appear before this Court. His name is printed in the cause list.

6. We direct the third respondent to survey the property in question on the basis of the title deeds and the survey records, after issuing notice to the petitioner and the fourth respondent.

7. The petitioner made a claim for compensation. The relief is claimed against a private party. It is always open to the petitioner to approach the concerned civil Court for relief. It is needless to point out that there is no liability to pay charges for survey and it is the duty of the third respondent to survey the land.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Collector's Office,
Trichy.



2. The Revenue Divisional Officer,
Srirangam, Trichy.

3. The Tahsildar,
Manapparai Taluk,
Manapparai,
Trichy District.

+1cc to Mr.S.Manohar, Advocate Sr.No.65564

SSL/DSK

VB/GT/SAR3/28.07.2017/3P/5C

W.P. (MD) No.11269 of 2017
14.07.2017