



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.12076 of 2017

P.A.Ananda Babu

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Taluk Office, Rameswaram
Ramanathapuram District.

3.The Commissioner,
Rameswaram Municipality,
Ramanathapuram District.

4.Jothilakshmi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents No.1 to 3 to remove the encroachments made by the fourth respondent on the side of the cart track at Sai Baba Kovil Road at Survey Number in S.F.No.218/1 at Rameswaram Municipality, Ramanathapuram District based on the petitioner's representation dated 21.06.2017.

For Petitioner

: Mr.R.Jegadeeswaran

For Respondents 1 to 3

: Mr.K.Guru,
Additional Government Pleader.

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to remove encroachments made in S.F.No.218/1, which has been classified as Government cart track, by way of issuing a writ of mandamus.



2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition and also classification of S.F.No.218/1, notice need not be sent to the fourth respondent.

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3.It is seen from the records that S.F.No.218/1 has been classified as Government cart track. The main contention putforth on the side of the petitioner is that the fourth respondent has made certain encroachments in S.F.No.218/1.

4.Considering the classification of S.F.No.218/1 and also considering the main contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the respondents 2 and 3 are directed to conduct proper survey in respect of S.F.No.218/1 and if there is any encroachment directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Taluk Office, Rameswaram
Ramanathapuram District.

3.The Commissioner,
Rameswaram Municipality,
Ramanathapuram District.

+One cc to Mr.R.Jegadeeswaran, Advocate, SR.No.62574
+One cc to The Special Government Pleader, SR.No.62868
smn
RL/6C/2P/KP/SAR1/6/7/2017

ORDER MADE IN
W.P(MD)No.12076 of 2017
29.06.2017