



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2017**

CORAM:

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

W.P(MD)No.12180 of 2017

Jeyachitra

: Petitioner

Vs.

1. The District Collector,
Collector Office Campus,
Tuticorin District.
2. The Tahsildar,
Office of the Tahsildar,
Srivaikundam Taluk,
Tuticorin District.
3. The Executive Officer,
Special Grade Town Panchayat,
Sayarpuram,
Srivaikundam Taluk,
Tuticorin District.

4.Jeyaraj

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment put up by the fourth respondent in the Panchayat road located at North car Street, Puliya Nagar, Srivaikundam Taluk, Tuticorin District by considering the petitioner's representation dated 28.04.2017.

For Petitioner

: Mr.Niranjan S.Kumar

For Respondents 1 & 2

: Mr.T.S.Mohamad Mohideen
Additional Government Pleader

For Respondents 3 & 4

: No appearance

**O R D E R**

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

The petitioner filed this Writ Petition to direct the respondents 1 to 3 to remove the encroachment stated to have been put up by the fourth respondent by encroaching upon the Panchayat road located at North car Street, Puliya Nagar, Srivaikundam Taluk, Tuticorin District.

2.The affidavit filed in support of the Writ Petition indicates that the fourth respondent filed a civil suit in O.S.No.165 of 2003 before the District Munsif Court, Srivaikundam. The suit was dismissed with a clear observation that the fourth respondent is an encroacher. It is the case of the petitioner that notwithstanding the dismissal of the civil suit and initiation of proceedings earlier, follow-up action was not taken by the third respondent.

3. We direct the third respondent to consider and dispose of the representation submitted by the petitioner dated 28 April, 2017 on merits and as per law and more particularly, in the light of the decree in O.S.No.165 of 2003, in case the same has already been attained finality, after issuing notice to the fourth respondent. Such exercise shall be completed, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant RegistrarCS-I)

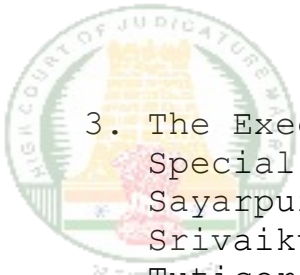
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Sub Assistant Registrar

To:

1. The District Collector,
Collector Office Campus,
Tuticorin District.

2. The Tahsildar,
Office of the Tahsildar,
Srivaikundam Taluk,
Tuticorin District.



3. The Executive Officer,
Special Grade Town Panchayat,
Sayarpuram,
Srivaikundam Taluk,
Tuticorin District.

WEB COPY

+1cc to Mr.Niranjana S.Kumar, Advocate in SR.No.67491

SML/tsg

AE/SKN RSK/SAR1/04.08.2017/3P/5C

Order made in
W.P(MD)No.12180 of 2017
Dated:24.07.2017