



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.1370 of 2017

A.Vavamydeen

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
 2. The Assistant Divisional Engineer,
Highways Department (Construction and Maintenance),
Shenkottai, Tirunelveli District.
 3. The Thashilar,
Vadakarai Keelpidagai Town Panchayat,
Tirunelveli District.
- .. 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 to remove the encroachment in "Mettukal Road", Vadakarai, Shenkottai Taluk, Tirunelveli District as per the survey conducted and report dated 08.01.2014 filed by the Survey Department, within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

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



encroachments which are in existence in Mettukal Road, Vadakarai, Shenkottai Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2. It is averred in the petition that the petitioner is a resident of Vadakarai Village, Shenkottai Taluk, Tirunelveli District. Further it is averred in the petition that in Mettukal Road, Vadakarai Village, so many encroachments are in existence. The third respondent has surveyed the alleged encroachments and ultimately sent a communication to the second respondent to remove the same. But the second respondent has not taken any steps. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. Mr. M. Govindan, learned Special Government Pleader, has taken notice for all the respondents.

4. The learned Special Government Pleader appearing for the respondents has contended to the effect that the third respondent has conducted survey and ultimately found certain encroachments in the place mentioned in the petition.

5. It is also seen from the records that various representations have been given to the concerned authorities, but the same have not been considered.

6. Considering the fact that already the third respondent has conducted survey and ultimately found that there are certain encroachments in the place mentioned in the petition and also considering the fact that various representations have been given by the petitioner and the same have not been considered, this Court is inclined to pass the following order.

7. In fine, this writ petition is allowed without costs and the second respondent viz., Assistant Divisional Engineer, Highways Department (Construction and Maintenance), Shenkottai, Tirunelveli District is strictly directed to remove all encroachments which are in existence in the place mentioned in the petition 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,
Tirunelveli District, Tirunelveli.

2. The Assistant Divisional Engineer,
Highways Department (Construction and Maintenance),
Shenkottai, Tirunelveli District.

3. The Tahsildar,
Vadakarai Keelpidagai Town Panchayat,
Tirunelveli District.

+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 4954

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 5022

SMN

TE/CM-MSA : 09/02/2017 : 3P/6C

ORDER MADE IN
W.P (MD) No.1370 of 2017
30.01.2017