



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2017

CORAM:

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

W.P. (MD) No.15363 of 2017

C.Gurusamy

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the wall situated in Government Puramboke land bearing S.F.No.194 at Sandaiyur Village, Peraiyur Taluk, Madurai District, as per the proceedings dated 19.07.2017 of the 3rd respondent.

For Petitioner

: Mr.A.Rajini

For Respondents

: Mr.M.Govindan

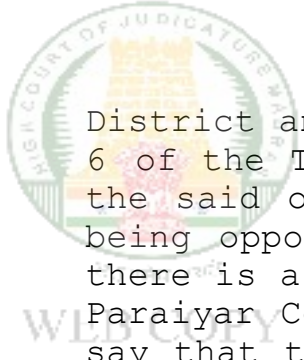
Special Government Pleader

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner seeks removal of the wall situated in Government Puramboke land bearing S.F.No.194 at Sandaiyur Village, Peraiyur Taluk, Madurai District. The writ petitioner places reliance on the notice dated 19.07.2017 already issued by the Tahsildar, Peraiyur Taluk, Madurai District.

2.Today when the matter is taken up for hearing , the Special Government Pleader referred to the communication dated 18.08.2017 issued by the Tahsildar, Peraiyur Taluk, Madurai



District and submitted that an order has been passed under Section 6 of the Tamil Nadu Land Encroachment Act and that enforcement of the said order is under process and that the such enforcement is being opposed by Hindu Paraiyar Community. It is mentioned that there is a dispute between Hindu Arunthathiyar Community and Hindu Paraiyar Community. But the Revenue Authority cannot be heard to say that the statutory order passed under the provisions of Tamil Nadu Land Encroachment Act 1905 is not being implemented, because it is being opposed by a section of the public.

3.If the order passed under Section 6 of the Act has been stayed or set aside, then of course, the Authority cannot act in the matter. But if no such development had taken place, it is for the authority to enforce his own order. It is seen that the representation had already been submitted in this regard by the writ petitioner.

4.We direct the third respondent to act on the said representation, in accordance with law within a period of four months from the date of receipt of a copy of this order.

5.This 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,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

+One cc to The Special Government Pleader, SR.No.73899

rmi

RL/5C/2P/GT/SAR1/11/9/2017