



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM:

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

W.P (MD) No.1537 of 2017

P.Murugesapandian

.. Petitioner

Vs.

1.The District Collector,
Thoothukkudi, Thoothukkudi District.

2.The Commissioner,
Vilathikulam Panchayat Union,
Vilathikulam, Thoothukkudi District.

3.The Panchayat President,
Kulathur Village Panchayat,
Kulathur,
Vilathikulam Taluk, Thoothukkudi District.

4.The Special Officer,
Kulathur Village Panchayat,
Kulathur,
Vilathikulam Taluk,
Thoothukkudi District.

.. Respondents

(R - 4 is impleaded vide order dated
01.03.2017 in W.M.P (MD) No.2883 of 2017)

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 made by the third respondent on petitioner's agriculture land in Survey No.90-5, in Patta No.446 situated in Kulathoor Village (East) at Vilathikulam Taluk, Tuticorin District.

For Petitioner	: Mr.M.M.Manivel pandian
For R - 1	: Mr.M.Govindan, Special Government Pleader.
For RR 2 to 4	: Mr.S.Sathish Kumar

ORDER

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

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This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to



remove encroachments alleged to have been made in Survey No.90/5, patta land of the petitioner, by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is the absolute owner of land comprised in Survey No.90/5 wherein the third respondent has made certain encroachments under the guise of putting up construction of a waiting room and therefore the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the fourth respondent has contended to the effect that in Survey No.15 a graveyard is situate and no encroachment has been made in Survey No.90/5.

4.Considering the fact that Survey No.90/5 is adjacent to Survey No.15 and also considering the contention made on the side of the petitioner to the effect that the third respondent has made certain encroachments in his patta land, this Court is inclined to pass the following order.

5.In fine, this Writ Petition is allowed without costs and the fourth respondent is directed to conduct proper survey with the assistance of revenue records in respect of Survey Nos.90/5 and 15 and if there is any encroachment in Survey No.90/5, the fourth respondent is directed to remove the same within a period of two months.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukkudi, Thoothukkudi District.
2. The Commissioner,
Vilathikulam Panchayat Union,
Vilathikulam, Thoothukkudi District.
3. The Panchayat President,
Kulathur Village Panchayat, Kulathur,
Vilathikulam Taluk, Thoothukkudi District.
4. The Special Officer,
Kulathur Village Panchayat, Kulathur,
Vilathikulam Taluk, Thoothukkudi District.

+2 cc to Special Government Pleader, SR.Nos.53146 & 53098

+1CC to M/S.M.M.Manivel Pandian, Advocate, SR.No. 53301

**ORDER MADE IN
W.P (MD) No.1537 of 2017
19.04.2017**