



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2017

CORAM:

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

W.P(MD)No.1798 of 2017
and
W.M.P(MD)No.1482 of 2017

M.S.Thangaraj

.. Petitioner

Vs.

- 1.The District Collector,
Thirunelveli, Thirunelveli District.
- 2.The Tasildhar,
Aalangulam Taluk,
Thirunelveli District.
- 3.The Assistant Engineer,
Water Resource Organization,
Public Works Department,
Sittharu Drain Sub Division,
Thenkasi - 627 811.
- 4.The Joint Director (Panchayat),
Office of the Joint Director (Panchayat),
Thirunelveli.
- 5.The Executive Officer,
Aalagulam Selection Grade Panchayat,
Aalangulam - 627 851,
Thirunelveli District.

6.Menjalín Hebsiba

.. 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 respondent Nos.1 to 3 to remove the encroachments made by the sixth respondent in Thottiankulam in Survey No.417, Aalangulam Taluk, Tirunelveli District by considering petitioner's representation dated 31.03.2016 within the period stipulated as prescribed by this Court.

For Petitioner

: Mr.A.Haja Mohideen

For Respondents 1 to 5

: Mr.M.Govindan,
Special 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 to remove encroachments alleged to have been made in Survey No.417, Thottiankulam Village, Alangulam Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 5. Considering the nature of the relief sought in the writ petition, notice need not be sent to the sixth respondent.

3.It is seen from the records that Survey No.417 mentioned in the petition is having so many sub-divisions. But the present petition has been filed only in respect of Survey No.417.

4.The learned Special Government Pleader appearing for the respondents 1 to 5 has contended to the effect that Survey No.417 has been divided into various sub-divisions and some of the sub-divisions are patta lands and remaining sub-divisions are Government lands.

5.It is seen from the records that Survey No.417/2 has been classified as a tank, Survey No.417/3 has been classified as a cart track and Survey No.417/4 has been classified as burial ground. Even though the present petition has been filed in respect of entire Survey No.417, since as per records, this Court has found that the sub-divisions of Survey No.417 belong to the Government, the following order can be passed.

6.In fine, this writ petition is allowed in part without costs and the respondents 1 to 3 are directed to remove encroachments if any in Survey Nos.417/2, 417/3 and 417/4 under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

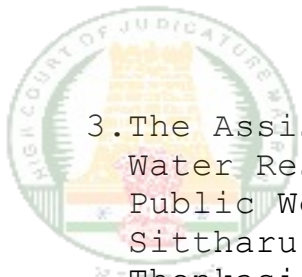
/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thirunelveli, Thirunelveli District.

2.The Tasildhar,
<https://hcservices.ecourts.gov.in/hcservices/>
Aalangulam Taluk,
Thirunelveli District.



3.The Assistant Engineer,
Water Resource Organization,
Public Works Department,
Sittharu Drain Sub Division,
Thenkasi - 627 811.

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4.The Joint Director (Panchayat),
Office of the Joint Director (Panchayat),
Thirunelveli.

5.The Executive Officer,
Aalagulam Selection Grade Panchayat,
Aalangulam - 627 851,
Thirunelveli District.

+1 CC to M/s.HAJA MOHIDEEN, Advocate, SR No.5827/17

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No.6017/17.

SMN

PSM/PN/10.02.2017/3P/8C

ORDER MADE IN
W.P (MD) No.1798 of 2017
and
W.M.P (MD) No.1482 of 2017
02.02.2017