



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASANW.P(MD) No.188 of 2017

S.Rethinasabapathy

... Petitioner

-VS-

- 1.The District Collector,
Pudukottai District, Pudukottai.
- 2.The District Revenue Officer,
Pudukottai District, Pudukottai.
- 3.The Superintendent of Police,
Pudukottai District, Pudukottai.
- 4.The Assistant Director of Survey,
Pudukottai District, Pudukottai.
- 5.The Revenue Divisional Officer,
Pudukottai, Pudukottai District.
- 6.The Deputy Superintendent of Police,
Pudukottai, Pudukottai District.
- 7.The Deputy Inspector of Survey,
Pudukottai, Pudukottai District.
- 8.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to carry out encroachment in Survey Nos.168/2, 175/9, 11, 15, 19B, 22, 25, 28, 34, 46, 48, 49 and 52, 176/1 and 2, 177/1, 4, 5 and 6, 406, 407, 408, 411, 429 and 430, 412/1, 12 and 413, 552/1 and 2, 552 K, 552 J, 552 M, Panangudy Revenue Village, Kadiyathupatti Panchayat Board, Thirumayam Taluk, Pudukkottai District.



For Petitioner : Mr.N.Balakrishnan
For Respondents : Mr.D.Muruganandam
Additional Government Pleader

WEB COPY

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 the encroachments alleged to have been made in the survey numbers mentioned in the petition in Panagudi village, Thirumayam Taluk, Pudukottai District.

2.The learned counsel appearing for the petitioner has contended to the effect that the survey numbers mentioned in the petition are nothing but Government lands, wherein so many encroachments have been made and in spite of the representation given by the petitioner, no action has been taken and therefore, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned Additional Government Pleader appearing for the respondents has contended to the effect that out of the survey numbers mentioned in the petition, some survey numbers are nothing but private lands and the remaining survey numbers belong to Government.

4.The main contention put forth on the side of the petitioner is that in the survey numbers mentioned in the petition, so many encroachments have been made.

5.Even assuming without conceding that some survey numbers mentioned in the petition are nothing but patta lands, the respondents are bound to remove encroachments if any made in Government lands and therefore, this Court is of the view to pass the following order:

6.In fine, this Writ Petition is allowed without costs. The eighth respondent is directed to find out the survey numbers which belong to Government in the petition mentioned and if any encroachment, directed to take appropriate proceedings to remove the same under due process of law within a period of two months.

Sd/-
Assistant Registrar



To

1. The District Collector,
Pudukottai District, Pudukottai.
2. The District Revenue Officer,
Pudukottai District, Pudukottai.
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8. The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

+1 cc to Special Government Pleader SR.No.2805

W.P(MD) No.188 of 2017
12.01.2017

SMA/SS-2-KSM/25.01.2017:3P/10C