



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P.(MD)No.19800 of 2017

A.S.Vadivel

... Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Revenue Divisional Officer,
Srirangam,
Trichy District.
3. Kamatchi
4. Eswari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to take immediate action against the 3rd and 4th respondent and remove the illegal encroachments made in S.No.292/11 situated at Kallakudi North, Srirangam Taluk, Trichy District on the basis of representation dated 11.09.2017 given by the petitioner.

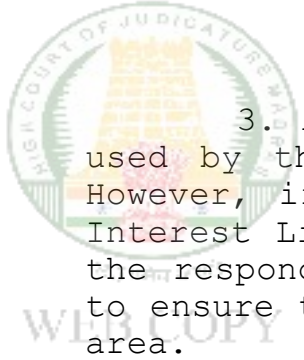
For Petitioner	: Mr.S.Sathya Chidambaram
For Respondents	: Mr.T.S.Mohamed Mohideen, Additional Government Pleader for R.1 & R.2

O R D E R

[Order of the Court was made by The Hon'ble Chief Justice]

This writ petition has been filed seeking orders on the respondent to remove encroachments in S.No.292/11 situated at Kallakudi North, Srirangam Taluk, Trichy District, which is admittedly, Natham land.

2. The learned Additional Government Pleader submits that in the Natham land, habitation is permitted. Any person in occupation of the Natham land, cannot, therefore, be removed.



3. According to the petitioner, a part of the land has been used by the petitioner and other villagers as a common pathway. However, if the land is Natham land, we cannot entertain a Public Interest Litigation to remove the encroachment. We, however, direct the respondent authorities, particularly, the Municipal Corporation to ensure that waste materials and garbage do not accumulate in the area.

4. The Writ petition is disposed of with the above observations. This disposal of the writ petition will not prevent the petitioner from initiating a suit for enforcement of the right if any of passage through the said land or any right of easement in respect of the said land, if he so advised. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Trichy District,
Trichy.
2. The Revenue Divisional Officer,
Srirangam,
Trichy District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84206

SSM/GK/RSB
TE/KP/SAR-IV : 10/11/2017 : 2P/4C

W.P. (MD) No.19800 of 2017
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