



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.2083 of 2017

S.Jeyabalan

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Aundipatty Taluk,
Theni District.

4.The Assistant Engineer,
Water Resources Organisation,
Irrigation Division,
Public Works Department,
Aundipatti,
Theni District.

5.Balu

.. 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 respondents 1 to 4 to remove the encroachment made by the fifth respondent in the stream (Odai) situate in S.No.159/2, Thimmarasanaickanur Village, (situate at T.Perumalpatty Village) Aundipatty Taluk, Theni District with a further direction to preserve the same.

For Petitioner : Mr.D.Malaichamy

For RR 1 to 4 : Mr.K.Guru,
Additional 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 which are in existence in Survey No.159/2, Thimmarasanaickanur Village, (situate at T.Perumalpatty Village) Aundipatty Taluk, Theni District, by way of issuing a Writ of Mandamus.

2.The learned Additional Government Pleader appearing for the respondents 1 to 4 has contended to the effect that with regard to removal of encroachments, the third respondent has already passed an order.

3.Considering the representation made on the side of the respondents 1 to 4, this Court is inclined to pass the following order.

4.In fine, this Writ Petition is allowed without costs and the third respondent is directed to conduct proper survey in the presence of the fifth respondent with the assistance of revenue records and if there is any encroachment, the third respondent is directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Theni District, Theni.

2.The Revenue Divisional Officer, Periyakulam, Theni District.

3.The Tahsildar, Aundipatty Taluk, Theni District.

4.The Assistant Engineer, Water Resources Organisation,
Irrigation Division, Public Works Department, Aundipatti,
Theni District.

+1CC to M/S.D.Malaichamy, Advocate, SR.No. 52643

+1CC to the Special Government Pleader SR.No. 52820

ORDER MADE IN
W.P (MD) No.2083 of 2017
19.04.2017