



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2017

CORAM:

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

W.P (MD) No.2132 of 2017

Anandababu

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.The Special Tahsildar,
Adi Dravida Welfare Department,
Pudukkottai, Pudukkottai District.

4.The Village Administrative Officer,
Kulipirai Vattam, Thirumayam Taluk,
Pudukkottai District.

5.Raman

.. 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 Nos.1 to 5 to remove the encroachment made in public use vacant place i.e., communal use place, future use place and in around by the fifth respondent and others in Survey Nos.133/2 situated at Ambedkar Nagar, Kulipirai Post, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mr.E.Balasubramanian

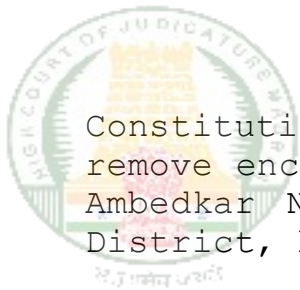
For Respondents 1 to 4 : Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

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.133/2, Ambedkar Nagar, Kulipirai Village, Thirumayam Taluk, Pudukkottai District, by way of issuing a writ of mandamus.

2. It is averred in the petition that the petitioner is a resident of Kulipirai Village, Thirumayam Taluk, Pudukkottai District, wherein the entire Survey No.133/2 has been divided into house plots. Further it is averred in the petition that in the lay-outs, the portions mentioned in the petition have been set apart for the purpose of future use and also for communal use, wherein the fifth respondent has made certain encroachments. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. Mr. D. Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 4.

4. It is seen from the records that entire Survey No.133/2, Kulipirai Village, Thirumayam Taluk, Pudukkottai District has been divided into house plots in which the portions mentioned in the petition have been set apart for future use and also for communal use.

5. The main gravamen expressed on the side of the petitioner is that the fifth respondent has made certain encroachments in the place set apart for future use and also for communal use.

6. Considering the gravamen expressed on the side of the petitioner and also considering the fact that a portion of Survey No.133/2 has been set apart for future use as well as communal use, this Court is inclined to pass the following order.

7. In fine, this writ petition is allowed without costs and the respondents 2 and 3 are directed to remove encroachment if any is in existence in the places mentioned for future and also for communal use in Survey No.133/2 under due process of law within a period of two months.

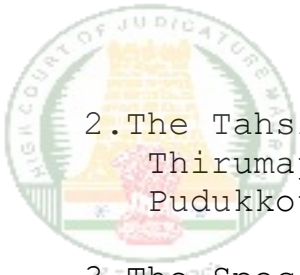
Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.hcjd.mys.gov.in/cases>
The District Collector,
Pudukkottai District, Pudukkottai.



2.The Tahsildar,
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3.The Special Tahsildar,
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Pudukkottai, Pudukkottai District.

4.The Village Administrative Officer,
Kulipirai Vattam, Thirumayam Taluk,
Pudukkottai District.

+1 cc to MR.E.BALASUBRAMANIAN, Advocate SR.No.7014

+1 cc to Special Government Pleader SR.No.7219

ORDER MADE IN
W.P (MD) No.2132 of 2017
08.02.2017

SMA/PN/SAR-1/09.02.2017:3P/7C