



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.01.2017

CORAM:

WEB COPY

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

W.P(MD)No.226 of 2017

S.R.Ayyadurai

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Review Committee
Headed by the District Revenue Officer,
Tirunelveli District, Tirunelveli.

3.The Revisional Committee
Headed by the Revenue Divisional Officer,
Tenkasi Division, Tenkasi,
Tirunelveli District.

4.The Tahsildhar,
Kadayanallur Taluk,
Kadayanallur, Tirunelveli District.

5.The Commissioner/Block Development Officer,
Kadayanallur Panchayat Union,
Kadayanallur, Tirunelveli District.

6.S.P.Anaikutti Pandian

7.Mallika .. 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 regarding the removal of encroachment made by the respondents 6 and 7 in Survey No.303/4 to the extent of 8 feet width and 60 feet length in the Public Cement Road used for General Public at Kasitharmam Village, Kadayanallur Taluk, Tirunelveli District within a time framed as considered to be reasonable by this Court in the light of the petitioner's representation dated 19.11.2016.

For Petitioner

: Mr.G.Karnan

For Respondents 1 to 4

: Mr.R.Velmurugan,
Government Advocate.

For Respondent No.5

: 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 1 to 5 to remove encroachments alleged to have been made by the remaining respondents in Survey No.303/4, Kasitharmam Village, Kadayanallur Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Kasitharmam Village, Kadayanallur Taluk, Tirunelveli District. Further it is averred in the petition that in Kasitharmam Village Survey No.303/4 has been classified as a road. But the respondents 6 and 7 have made certain encroachments in the said survey number. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents 1 to 4 and Mr.K.Guru, learned Additional Government Pleader, has taken notice for the fifth respondent. Considering the nature of the relief sought in the writ petition and also considering the classification of survey number mentioned in the petition, notice need not be sent to the respondents 6 and 7.

4.It is seen from the records that Survey No.303/4 in Kasitharmam Village has been classified as a road. The main allegation made in the writ petition is that the respondents 6 and 7 have made certain encroachments in Survey No.303/4.

5.Considering the classification of Survey No.303/4 and also considering that the petitioner has already given a representation dated 19.11.2016, this Court is of the view to pass the following order.

6.In fine, this writ petition is allowed without costs and the respondents 1 to 5 are strictly directed to remove the encroachments alleged to have been made by the respondents 6 and 7 in Survey No.303/4, Kasitharmam Village after following due process of law within a period of two months.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Tirunelveli District, Tirunelveli.
 2. The District Revenue Officer,
Review Committee,
Tirunelveli District, Tirunelveli.
 3. The Revenue Divisional Officer,
Revisional Committee,
Tenkasi Division, Tenkasi,
Tirunelveli District.
 4. The Tahsildhar,
Kadayanallur Taluk,
Kadayanallur, Tirunelveli District.
 5. The Commissioner/Block Development Officer,
Kadayanallur Panchayat Union,
Kadayanallur, Tirunelveli District.
- +1 cc to Ms.G.Karnan, Advocate, SR.No.1219
+1 cc to Special Government Pleader, SR.No.1345

smn

AAM:SKN-MM:3p/8c/19.01.2017

ORDER MADE IN
W.P(MD) No.226 of 2017
06.01.2017