



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2017

CORAM:

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND**

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.[MD].No.12252 of 2016

S.Subburaj

: Petitioner

Vs.

- 1.The District Collector /
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sivakasi Sub Division,
Virudhunagar District.
- 3.The Thasildar,
Sivakasi Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
Block Development Office,
Sivakasi Panchayat Union,
Sivakasi Taluk,
Virudhunagar District.
- 5.The President,
Viswanatham Village,
Sivakasi Panchayat Union,
Sivakasi Taluk,
Virudhunagar District.
- 6.Chellapandi.

7.Mariappan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made in S.No.52 in Palayur Village, Sivakasi Taluk, considering the representation of the petitioner dated 22.04.2016 and take appropriate action upon the same and conduct enquiry and pass orders in accordance with law within the time frame fixed by this Court.

For Petitioner

: Mr.Lakshmi Gopinathan

For M/s.Polax Legal Solutions

FOR Respondent Nos.1 to 3: Mr.M.Govindan,

Special Government Pleader

**O R D E R**

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

It is the case of the petitioner that Survey No.52 in Palayur Village, Viswanatham Panchayat, Sivakasi Taluk, Virudhunagar District, is a pathway, as per the records of the Government and the villagers have been using the said pathway to reach the main road. However, in course of time, some people started encroaching the pathway and one Mr.Chellapandi and Mariappan being respondent Nos.6 and 7 started constructing a marriage hall in the pathway. The petitioner has made representations, one such representation being dated 22nd October, 2016. A copy of the representation is included in the typed set of papers.

2. It appears that on the basis of the said representation, the Divisional Head and Sub Collector, Sivakasi caused a spot inspection and found that the land had been mentioned as road in survey records. The Block Development Officer, Sivakasi was directed to remove the encroachment as per G.O.No.540. However, the learned Special Government Pleader submits that the appropriate authority for removal of the encroachment is Tahsildar, who is the respondent No.3.

3. After hearing the parties, we dispose of the writ petition by directing the respondent No.3 to get the encroachment removed forthwith and in any case within one month from the date of communication of this order. No costs.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1.The District Collector /
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi Sub Division,
Virudhunagar District.

3.The Thasildar,
Sivakasi Taluk,
Virudhunagar District.

+1cc to M/s.Polax Legal Solutions,Advocate,SR.67819

+1cc to M/S.Special Government Pleader,SR. 68336

W.P. (MD) .No.12252 of 2016

25.07.2017

KK/MR KKR/SAR1/02.08.2017/2P-6C/