



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.2339 of 2017

S.Pandiyaraj

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai District.

3.The Thasildar,
Thiruparankundram Taluk,
Madurai.

4.Gurusamy

5.Nagakanni

.. 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 second and third respondents to take appropriate action to remove the encroachment made by the fourth and fifth respondents in R.S.No.277/1 of Madakulam Village by considering the petitioner's representation dated 19.12.2016 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sukumar

For Respondents 1 and 3 : Mr.M.Govindan,
Special Government Pleader.

For Respondent No.2 : Mr.R.Murali

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 3 to remove encroachments alleged to have been made in R.S.No.277/1, Madakulam Village, Madurai District, by way of issuing a writ of



mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 and 3 and Mr.R.Murali, learned counsel, has taken notice for the second respondent. Considering the nature of the relief sought in the writ petition and also classification of R.S.No.277/1, Madakulam Village, notice need not be sent to the remaining respondents.

3.The main contention putforth on the side of the petitioner is that in Madakulam Village, Madurai District, R.S.No.277/1 has been classified as a graveyard and the remaining respondents have encroached the same and for the purpose of removing the same, the present writ petition has been filed.

4.On the basis of the contention putforth on the side of the petitioner, this Court has perused the relevant 'A' Register, wherein it has been clinchingly stated to the effect that R.S.No.277/1 has been classified as a graveyard.

5.Considering the classification of R.S.No.277/1 and also considering the fact that the remaining respondents have encroached the same, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the second respondent is strictly directed to remove encroachments alleged to have been made in R.S.No.277/1, Madakulam Village, Madurai District under due process of law within a period of two months.

Sd/-

Assistant Registrar (RECORDS)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai District.

3.The Thasildar,
Thiruparankundram Taluk,
Madurai.

+1 cc to MR.R.MURALI, ADVOCATE, SR NO: 7461

+1 cc to MR.S.SUKUMAR, ADVOCATE, SR NO: 7478

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 7907

AAM SKN SAR1 13.02.2017 2P 7C