



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.2391 of 2017

Mydeen Sha @ Ibrahim Pitchai

.. Petitioner

Vs.

1.The Secretary to Government,
Municipality and Water Supply Department,
St. George Fort,
Chennai-9.

2.The District Collector,
Tirunelveli District.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
9th Cross Road,
Adaiyaru, Chennai-20.

4.The Executive Officer, (Planning),
Tirunelveli Corporation,
Tirunelveli.

5.The Commissioner,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli.

6.The Wakf Board Inspector,
S.N. High Road,
Tirunelveli.

7.K.S.Bakeer Mohammed

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the 7th respondent in Old Survey No.3056 New survey No.58 of an extent of 54 cents situated at Melapalayam, Tirunelveli District based on the Petitioner's representations dated 12.10.2016 & 09.01.2017.



WEB COPY

For petitioner : Mr.B.Anandan
For R1 & R2 : Mr.M.Govindan
Special Government Pleader
For R4 & R5 :Mr.Aayiram K.Selvakumar
For R3 & R6 :Mr.K.K.Senthil
For R7 :No appearance

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The petitioner herein seeks removal of the encroachment said to have made by the seventh respondent in old Survey No.3056, New Survey No.58 measuring an extent of 54 cents at Melapalayam, Tirunelveli District. He has already given representations, dated 12.10.2016 and 09.01.2017 in this regard.

2. The land in question belongs to the fifth respondent. The fifth respondent is the competent authority to take action in the matter. This Court therefore, directs the fifth respondent to take action for removal of the encroachment in question after following the statutory procedure. The seventh respondent shall be given due notice and opportunity of hearing. The fifth respondent shall complete the entire exercise within a period of three months from the date of receipt of a copy of this order.

3.This Writ Petition stands disposed of accordingly. No Costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary to Government, Municipality and Water Supply Department, St. George Fort, Chennai-9.
 - 2.The District Collector, Tirunelveli District.
 - 3 The Commissioner, Tirunelveli Corporation, S.N.High Road, Tirunelveli.
- +1CC to Mr.B.Anandan, Advocate, SR.No.79545
+1CC to Mr.Aayiram K Selvakumar, Advocate, SR.No. 79628
+1CC to Mr.K.K.Senthil, Advocate, SR.No.79951

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