



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.2466 of 2017

S.Suruliraj

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni District.

3.The Tahsildhar,
O/o.The Tahsildhar,
Bodinayakanur Taluk, Theni District.

4.The Inspector,
P.C.Patti Police Station,
Bodinayakanur Taluk, Theni District.

5.The Assistant Executive Engineer,
O/o.The Assistant Executive Engineer,
Theni District.

6.K.Surulivel

.. 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 5 to remove the encroachments made by the sixth respondent in Survey No.205/1 in Posi Kanmai water Channel, Tombucherri Village, Bodinayakanur Taluk, Theni District.

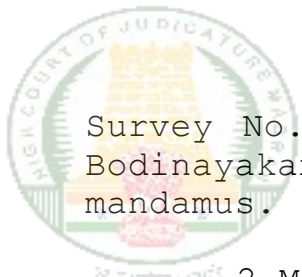
For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1 to 5 : Mr.M.Govindan,
Special 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 to remove encroachments alleged to have been made by the sixth respondent in



Survey No.205/1, Posi Kanmai Water Channel, Tombucherri Village, Bodinayakanur Taluk, Theni District, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 5. Considering the nature of the relief sought in the writ petition and also classification of Survey No.205/1, notice need not be sent to the sixth respondent.

3.It is seen from the records that Survey No.205/1 has been classified as Odai.

4.The main contention putforth on the side of the petitioner is that the sixth respondent has put up a building by way of encroaching the said Odai.

5.Considering the classification of Survey No.205/1 and also considering the contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the third respondent viz., Tahsildar, Bodinayakanur Taluk, Theni District is directed to inspect Survey No.205/1 and if there is any objectionable encroachment, directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(C)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Theni District, Theni.

2.The Superintendent of Police,

O/o.The Superintendent of Police, Theni District.

3.The Tahsildhar,

O/o.The Tahsildhar, Bodinayakanur Taluk, Theni District.

4.The Inspector,

P.C.Patti Police Station, Bodinayakanur Taluk, Theni District.

5.The Assistant Executive Engineer,

O/o.The Assistant Executive Engineer, Theni District.

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No.8274

+1 cc to The Special Government Pleader in SR.No.8617

**ORDER MADE IN
W.P(MD)No.2466 of 2017
14.02.2017**