



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

WEB COPY

W.P(MD)No.2585 of 2017
and
W.M.P(MD)No.2154 of 2017

Magdum Gnaniyar Pallivasal (Dharga)
Inamthar Committee through its
Secretary A.Mujeep Rahman, S/o.Abdul Kadar
No.60/131, Kader Mohideen Pallivasal Street,
Pettai, Kadayanallur
Tenkasi Taluk, Tirunelveli District. .. Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
- 3.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.
- 4.The Commissioner,
Kadayanallur Municipality,
Kadayanallur, Tirunelveli District. .. 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 herein to forthwith remove the illegal encroachment in Kaanan Kulam in S.No.270/1, Kadayanallur, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.K.Appadurai

For Respondents 1 to 3 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.4 : No appearance



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 which are in existence in Survey No.270/1, Kadayanallur, Tenkasi Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. There is no representation on the side of the fourth respondent. Considering the nature of the relief sought in the writ petition and also classification of Survey No.270/1, notice need not be sent to the fourth respondent.

3.It is seen from the records that Survey No.270/1, Kadayanallur has been classified as a tank. The main contention putforth on the side of the petitioner is that in Survey No.270/1 some encroachments are in existence.

4.Considering the stand taken on the side of the petitioner and also classification of Survey No.270/1, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the fourth respondent viz., Commissioner, Kadayanallur Municipality, Tirunelveli District is directed to inspect Survey No.270/1 and if there is any objectionable encroachment, remove the same under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

<https://hccourtrecords.in/cases/>

3.The Taluk Officer,
Tenkasi Taluk,
Tirunelveli District.



4.The Commissioner,
Kadayanallur Municipality,
Kadayanallur, Tirunelveli District.
+1cc to Mr.K.Appadurai,Advocate in SR.8332
+1cc to Mr.Special Government Pleader,SR.8609

ORDER MADE IN
W.P (MD) No.2585 of 2017
and
W.M.P (MD) No.2154 of 2017
15.02.2017

smn

KK-RSK-SAR.1-17.02.2017-3P-7C