



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

WEB COPY

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THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.2613 of 2017

Stephen Raj

... Petitioner

-vs-

1.The Tahsildar,
Usilampatti,
Madurai District.

2.Usilampatti Panchayat Union,
rep.by its Commissioner,
Usilampatti,
Madurai District.

3.Seerpathi @ Pachiammal

4.Ranjith Kumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in the S.No.68/4, Usilampatti Village, Madurai District which has been gifted to the 2nd respondent by gift deed dated 30.07.2012 in accordance with law.

For Petitioner : Mr.R.J.Karthick
For RR - 1 & 2 : Mr.Aayiram K.Selvakumar
Government Advocate
For RR - 3 & 4 : Mr.S.Balaji

O R D E R

[Order of the Court was made by **A.SELVAM, J.**]



remove the encroachments which are in existence in Survey No.68/4, Usilampatti Village, Madurai District on the basis of the gift deed dated 30.07.2012 by way of issuing a Writ of Mandamus.

2.It is averred in the petition that for the purpose of forming a road, a portion of Survey No.68/4 has been gifted in favour of Vadipatti Panchayat by virtue of gift deed dated 30.07.2012. From the date of its execution, the said property vests with the panchayat. Now, without forming road, so many encroachments are in existence. Under the said circumstances, the present Writ Petition has been filed.

3.On the basis of the averments made in the Writ Petition, this Court has perused the gift deed dated 30.07.2012, wherein it has been clearly stated to the effect that an extent of six cents in Survey No.68/4, Usilampatti Village has been gifted to Vadipatti Panchayat for the purpose of forming road.

4.The main grievance expressed on the side of the petitioner is that in the gifted property, road has not been formed. But, on the contrary, some encroachments are in existence.

5.Considering the factum of execution of gift deed dated 30.07.2012 and also considering the grievance expressed on the side of the petitioner, this Court is inclined to pass the following order.

6.In fine, this Writ Petition is allowed without cost. The respondents 1 and 2 are directed to conduct proper survey in respect of Survey No.68/4, Usilampatti Village, Madurai District and if there is any encroachment in the gifted property, directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar,

<https://hcservices.madurai.gov.in/hcservices/>

Madurai District.



2.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

+1cc to Spl.Government Pleader Sr.No.50715
+1cc to Mr.R.J.Karthick, Advocate Sr.No.50287

MJ

VB/JM/SAR3/12.04.2017/3P/5C

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