



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.02.2017**

CORAM:

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

and

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

W.P (MD) No.2662 of 2017

and

W.M.P. (MD) No.2202 of 2017

R.Packiaraj

.. Petitioner

Vs.

- 1.The District Collector,
O/o.The Collectorate, Tirunelveli,
Tirunelveli District.
- 2.The Revenue Divisional officer,
O/o. The Revenue Divisional Office,
Collectorate Campus, Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
Taluk Office, Sankarankovil,
Sankarankovil Taluk,
Tirunelveli District.
- 4.The Block Development Officer,
O/o.The Block Development Office,
N.G.O.Colony, Sankarankovil Taluk,
Tirunelveli District.
- 5.Subburaj
- 6.Muthukumar

... 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 respondent No.1 to 3 to remove the encroachment, which was put up by the fifth and sixth respondents in common path way (Eastern-Western Road) which is lying in Survey No.938/2F based on the consideration of the petitioner's representation dated 17.10.2016 within the time limit that may be stipulated by this court.

For Petitioners

: Mr.V.Muthuvelan

For Respondents 1 to 4

: Mr.D.Muruganantham
Additional 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 1 to 4 to remove encroachments which are in existence in Survey No.938/2F, Nedunkulam Village, by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondents.

3.It is seen from the revenue records that Survey No.938/2F has been classified as a common pathway. The main contention putforth on the side of the petitioner is that the respondents 5 and 6 have made certain encroachments in Survey No.938/2F and further it is seen from the records that the second respondent has already directed the third respondent viz., Tahsildar, Sankarankovil Taluk to take appropriate action in respect of alleged encroachment.

4.Considering the aforesaid factual circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the third respondent viz., Tahsildar, Sankarankovil Taluk is directed to conduct proper survey in respect of Survey No.938/2F in the presence of the respondents 5 and 6 and if there is any encroachment, remove the same under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
O/o.The Collectorate, Tirunelveli,
Tirunelveli District.

2.The Revenue Divisional officer,
O/o. The Revenue Divisional Office,
Collectorate Campus, Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
<https://hcservices.ecourts.gov.in/hcservices/>
Taluk Office, Sankarankovil,
Sankarankovil Taluk, Tirunelveli District.



4.The Block Development Officer,
O/o.The Block Development Office,
N.G.O.Colony, Sankarankovil Taluk,
Tirunelveli District.

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+1 CC TO MR. V.MUTHU VELAN, ADVOCATE, SR NO.8535

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.8920

smn

MAS/MR:27.02.2017:2P/7C

ORDER MADE IN
W.P (MD) No.2662 of 2017
and
W.M.P. (MD) No.2202 of 2017

16.02.2017