



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.2846 of 2017

Radha

.. Petitioner

Vs.

1.District Collector,
Pudukottai & District,

2.The Tahsildar,
Manamelkudi & Taluk,
Pudukottai District.

3.Karuppiah

4.Muthukrishnan

5.Karuppiah

6.Veerasekaran

.. 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 second respondent to remove the encroachment in S.No.501/41, 501/47 Government poromboke pathway and in S.No.501/40 channel poromboke land situate at Ko.Palankulam Village, Manamelkudi Taluk, Pudukottai District.

For Petitioner

: Mr.R.Balakrishnan
for M/s.K.Mahalakshmik

For Respondents 1 and 2

: Mr.K.Guru,
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 second respondent to remove the encroachments alleged to have been made in Survey Nos.501/41, 501/47 and 501/40, which have been classified as pathway and channel respectively in Ko.Palankulam Village,



Manamelkudi Taluk, Pudukottai District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that Survey Nos.501/41 and 501/47 have been classified as a pathway and Survey No.501/40 has been classified as a channel and the then Village President has sent a communication to the concerned Tahsildar to remove encroachment and under the said circumstances, the present writ petition has been filed.

3.On the basis of the representation made by the learned counsel appearing for the petitioner, this Court has perused the relevant revenue records and found that Survey Nos.501/41 and 501/47 have been classified as a pathway. But on the side of the petitioner, no revenue record has been filed in respect of Survey No.501/40. Under the said circumstances, this Court is inclined to pass the following order.

4.In fine, this writ petition is allowed in part without costs and the second respondent is strictly directed to conduct proper survey in respect of Survey Nos.501/41 and 501/47, Ko.Palankulam Village, Manamelkudi Taluk, Pudukottai District and if there is any encroachment in Survey Nos.501/41 and 501/47 directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukottai & District,

2.The Tahsildar,
Manamelkudi & Taluk,
Pudukottai District.

+1CC to M/S.N.Bala Krishnan, Advocate, SR.No. 50528
+1CC to the Special Government Pleader SR.No. 50983

ORDER MADE IN
W.P(MD)No.2846 of 2017
06.04.2017