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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.2918 of 2017

S.Thirupathy

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer (Village Panchayat),
Puliyankulam Union, Madurai District.

3.The Tahsildar,
Madurai South,
Madurai District.

4.The President,
Puliyankulam Village Panchayat,
Madurai South, Madurai District.

5. Ramakrishnan.

.. 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 first respondent to remove the encroachment made by the fifth respondent in Survey No.19/2 at Puliyankulam Village, Madurai South, Madurai District by considering the petitioner's representation dated 23.06.2014 within the time stipulated by this Court.

For Petitioner : Mr.C.Saravanakumar

For Respondents 1 to 4 : Mr.R.Anandaraj,
Government Advocate.

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 alleged to have been made by the fifth respondent in Survey No.19/2, Puliyankulam Village, Madurai South Taluk, Madurai District, by way of issuing a writ of mandamus.



2.Mr.R.Anandaraj, learned Government Advocate, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the writ petition and also classification of Survey No.19/2, notice need not be sent to the fifth respondent.

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3.It is seen from the 'A' Register that Survey No.19/2 has been classified as graveyard. The main contention putforth on the side of the petitioner is that the fifth respondent has made certain encroachments in Survey No.19/2.

4.Considering the classification of Survey No.19/2 and also considering the main contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the third respondent is directed to conduct proper survey in respect of Survey No.19/2 and if there is any encroachment remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer (Village Panchayat),
Puliyankulam Union, Madurai District.

3.The Tahsildar,
Madurai South,
Madurai District.

4.The President,
Puliyankulam Village Panchayat,
Madurai South, Madurai District.

+1cc to Special Government Pleader, SR No.9677

+1cc to Mr.R.Mohanasundram, SR No.9318

ORDER MADE IN
W.P (MD) No.2918 of 2017
21.02.2017