



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2017

CORAM:

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

W.P (MD) No.3170 of 2017

M.Muthaiah .. Petitioner

Vs.

1.The District Collector,
Sivagangai Dist., Sivagangai - 630 561.

2.The Revenue Divisional Officer,
Sivagangai Dist., Sivagangai - 630 561.

3.The Tahsildar,
Ilayangudi Taluk, Ilayangudi,
Sivagangai (Dist)-- 630 702.

4.Pappa

5.Parvathy

6.Karuppusamy Thevar .. 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 to third respondents to remove the encroachments made in the pathway in Pula No.283/11 and seven feet's in petitioner's patta land in Pula No.283/12.

For Petitioner : M/s.L.Rajiah

For Respondents 1 to 3 : Mr.M.Govindan,
Special Government Pleader.

For Respondent No.5 : Mr.J.Jayakumaran

For Respondents 4 and 6 : 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 1 to 3 to remove encroachments alleged to have been made in pathway comprised in Survey No.283/11, Thayanur Village, Ilayankudi Taluk, Sivagangai District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that Survey No.283/11 has been classified as a pathway, wherein the respondents 4 to 6 have made certain encroachments and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the fifth respondent has contended to the effect that the fifth respondent has put up a dwelling house in Survey No.283/8 and the same is the absolute property of the fifth respondent and further the fifth respondent has not made any encroachment in Survey No.283/11.

4.Already the Revenue Divisional Officer, Sivagangai has directed the third respondent to look into the alleged encroachment made in Survey No.283/11. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, the third respondent is directed to conduct proper survey in respect of Survey No.283/11 with reference to revenue records after giving proper opportunity to the remaining respondents and if any encroachment is found place, directed to remove the same under due process of law within a period of two months. With the above observations, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District, Sivagangai - 630 561.

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

2.The Revenue Divisional Officer,
Sivagangai District, Sivagangai - 630 561.



3.The Tahsildar,
Ilayangudi Taluk, Ilayangudi,
Sivagangai (Dist)-- 630 702.

+1cc to Mr.J.Jeyakumaran, Advocate, SR.No:15901

smn

AE/SKN/RSK/03.04.2017/3P/5C

**ORDER MADE IN
W.P (MD) No.3170 of 2017
20.03.2017**