



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.03.2017
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) No.3191 of 2017

S.Ganesan .. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.The Assistant Commissioner,
Thatchai Region,
Tirunelveli Junction,
Tirunelveli.

4.The Assistant Executive Engineer,
Thatchai Region,
Tirunelveli Junction,
Tirunelveli.

5.The Tahsildar,
Palayamkottai,
Tirunelveli District.

6.Murugaiah Pandian .. 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 respondents 1 to 5 to remove the encroachment of the sixth respondent regarding poromboke land in T.S.No.65/2, AY Block, North Thangamman Kovil Street, Vannarpettai, Tirunelveli District and to take further action based on the representation given by the petitioner on 04.02.2017.

For Petitioner : Mr.N.Madhava Govindan

For RR 1 & 5

: Mr.K.Guru,
Additional Government Pleader.



For RR 2 to 4

: Mr.Aayiram K.Selvakumar,
Government Advocate.

For R - 6

: Mr.H.Arumugam

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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 directing the respondents 1 to 5 to remove encroachments which are in existence in T.S.No.65/2, AY Block, North Thangamman Kovil Street, Vannarpettai, Tirunelveli District, by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended that T.S.No.65/2, Vannarpettai, Tirunelveli District has been classified as a common pathway wherein the sixth respondent has made certain encroachments. Under the said circumstances, on 04.02.2017 a representation has been given. But the same has not been considered by the respondents 1 to 5. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the sixth respondent has contended that the sixth respondent has been given an assessment. Further it is seen from the records that T.S.No.65/2, Vannarpettai, Tirunelveli District has been classified as a common pathway. Under the said circumstances, this Court is inclined to pass the following order.

4.In fine, this Writ Petition is allowed without costs. The fifth respondent is directed to conduct proper survey in T.S.No.65/2, Vannarpettai, Tirunelveli District and if there is any encroachment, directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Tirunelveli District,



2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

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3.The Assistant Commissioner,
Thatchai Region,
Tirunelveli Junction,
Tirunelveli.

4.The Assistant Executive Engineer,
Thatchai Region,
Tirunelveli Junction,
Tirunelveli.

5.The Tahsildar,
Palayamkottai,
Tirunelveli District.

+One cc to Mr.N.Madhava Govindan, Advocate, SR.No.15546

+One cc to Mr.H.Arumugam, Advocate, SR.No.15598

+One cc to Mr.Aayiram K.Selvakumar, Advocate, SR.No.15592

+One cc to The Special Government Pleader, SR.No.15797

ps

RL/10C/3P/SV/MMS/SAR3/24.3.2017

ORDER MADE IN
W.P(MD)No.3191 of 2017

17.03.2017