



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

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THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.3202 of 2017

M.Kalimuthu

... Petitioner

-vs-

1.The Collector,
O/o.the Collectorate,
Tuticorin, Tuticorin District.

2.The Tahsildar,
Taluk Office,
Ottapidaram,
Tuticorin District.

3.Akkanaickenpatti Panchayat,
rep.by its Special Officer,
Akkanaickenpatti Village,
Ottapidaram Taluk,
Tuticorin District.

4.A.Raja @ Murugandi

5.A.Rajamani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondent to remove the encroachment made by 4th and 5th Respondents in the public street situated in Survey No. 332/1 of Akkanaickenpatti Village, Ottapidaram Taluk, Tuticorin District on the basis of Resolution passed by the 3rd Respondent on 25.8.2016.

For Petitioner : Mr.B.Rajesh Saravanan

For RR - 1 & 2 : Mr.Aayiram K.Selvakumar
Government Advocate

For RR - 3 to 5 : No appearance

**O R D E R**

[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 the encroachments which are in existence in Survey No.332/1, Akkanaickenpatti Village, Tuticorin District by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended that Survey No.332/1 has been classified as a road. But the respondents 4 and 5 have made certain encroachments. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.On the basis of the representation made on the side of the petitioner, this Court has perused the copy of adangal extract, wherein it has been clearly stated that Survey No.332/1 has been classified as a street. Further it is seen from the records that the third respondent has passed a resolution with regard to alleged encroachment.

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

5.In fine, this Writ Petition is allowed without cost. The second respondent is directed to conduct proper survey in respect of Survey No.332/1, Akkanaickenpatti Village with the assistance of revenue records 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(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Collector,
O/o.the Collectorate,
Tuticorin, Tuticorin District.



2.The Tahsildar,
Taluk Office,
Ottapidaram,
Tuticorin District.

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+1cc to Spl.Government Pleader Sr.No.50716
+1cc to Mr.B.Rajesh Saravanan, Advocate Sr.No.50470

MJ

VB/JM/SAR4/12.04.2017/3P/5C

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