



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.01.2017
CORAM:

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

W.P(MD)No.327 of 2017

M.Mohamed Sulaimaan .. Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Srirengam, Trichy District.

3.The Tahsildar,
Manapparai Taluk,
Trichy District.

4.Barakath Nisha

5.Jamal Mohamed

6.Mohamed Mydeen .. Respondents

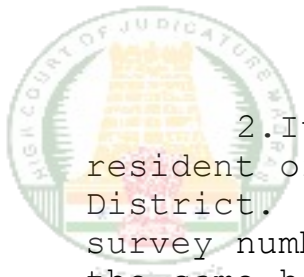
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in Government Vaari Promboke land in Survey No.35/1, 36 to 39 situated at Kumaravadi Village, Manapparai Taluk, Trichy District and resource the water Chennal by considering the petitioner's representation dated 30.08.2016.

For Petitioner	: Mr.A.Thiyagarajan
For Respondents 1 to 3	: Mr.D.Muruganandam, 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 respondents 1 to 3 to remove encroachment alleged to have been made in Survey Nos.35/1, 36 to 39 situated at Kumaravadi Village, Manapparai Taluk, Tiruchirappalli District, by way of issuing a writ of mandamus.



2.It is averred in the petition that the petitioner is a resident of Vaiyampatti Village, Manapparai Taluk, Tiruchirappalli District. Further it is averred in the petition that in the survey numbers mentioned in the petition, a channel is situate and the same has been encroached by the respondents 4 to 6 and for the purpose of removing the same, a representation dated 30.08.2016 has been given. But the authorities have not taken any steps and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition and also considering the classification of some of the survey numbers mentioned in the petition, notice need not be sent to the respondents 4 to 6.

4.The learned counsel appearing for the petitioner has contended that in the survey numbers mentioned in the petition there is a detailed channel, but the same has been obliterated by way of encroachment by the respondents 4 to 6 and for the purpose of removing the same, a representation has been given on 30.08.2016, but the authorities have not taken any steps and therefore the present writ petition has been filed for getting the relief sought therein.

5.On the basis of representation made on the side of the petitioner, this Court has verified the documents filed along with the petition, wherein it has been clearly stated that Survey No.35/1 has been classified as a channel. Further Survey No.38 has also been shown as a channel.

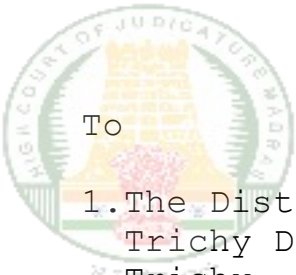
6.Considering the aforesaid factual aspect, this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed without costs and the third respondent is strictly directed to look into the representation dated 30.08.2016 and if there is any encroachment in the alleged channel 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 District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Srirengam,
Trichy District.

3.The Tahsildar,
Manapparai Taluk,
Trichy District.

+1cc to Mr.A.Thiyagarajan,Advocate Sr.No.1580

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.1990

ORDER MADE IN
W.P (MD) No.327 of 2017
09.01.2017

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