



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **23.06.2017**
CORAM:

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

W.P (MD) No.3298 of 2017

T.Pitchai Kannu,
Secretary, Salavai Thozhilalar-
Samuthaya Sangam (MDS 1605/1950),
29C, Kiri Prakara Mela Ratha Veethi,
Arumuga Nagar, Kalugu Malai - 628 552,
Tuticorin District.

.. Petitioner

Vs.

- 1.The District Collector,
Tuticorin District, Tuticorin.
- 2.The Asst. Director of Panchayats,
Tirunelveli Region, Tirunelveli - 627 009.
- 3.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Tuticorin District.
- 4.Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Tuticorin District.
- 5.The Executive Officer,
Kalugumalai Panchayat,
Kovilpatti Taluk, Tuticorin District.
- 6.K.Chandrasekaran
- 7.Tmt.Selvam

.. 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 encroachments in Vannar Oorani and Rain water channel in Survey No.130/2 and Salavai Thurai in Survey No.129 to Kalugumalai Panchayat, Kovilpatti Taluk, Tuticorin District and also to prevent the contaminated drainage water from coming to the above said Vannar Oorani.



For Petitioner : Mr.P.Subbiah
For Respondents 1 to 4 : Mr.K.Guru,
Additional Government Pleader.
For Respondent No.5 : No appearance
For Respondents 6 and 7 : Mr.G.Thaveethu

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 5 to remove encroachments which are in existence in Survey Nos.129 and 130/2, Kalugumalai Panchayat, Kovilpatti Taluk, Tuticorin 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.129 has been classified as Vannar Oorani and Survey No.130/2 has been classified as road and the respondents 6 and 7 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 Additional Government Pleader appearing for the respondents 1 to 4 has also equally represented to the effect that both survey numbers have been classified as Oorani as well as road. Further it is seen from the records that the concerned Executive Officer has sent a communication to the concerned Tahsildar to remove encroachments. But the concerned Tahsildar has not taken any steps.

4.Considering the nature of classification of Survey Nos.129 and 130/2 and also considering the communication sent to the fourth respondent, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the fourth respondent viz., Tahsildar, Kovilpatti Taluk, Tuticorin District, is strictly directed to take appropriate proceedings for eviction in respect of Survey Nos.129 and 130/2, Kalugumalai Panchayat, Kovilpatti Taluk, Tuticorin District, within a period of one month.

Sd/-
Assistant Registrar(Records)

/True Copy/



To

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Tuticorin District, Tuticorin.
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Tirunelveli Region, Tirunelveli - 627 009.
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Kovilpatti Revenue Division,
Kovilpatti, Tuticorin District.
- 4.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Tuticorin District.
- 5.The Executive Officer,
Kalugumalai Panchayat,
Kovilpatti Taluk, Tuticorin District.

+1cc to Mr.F.X.Eugene, Advocate in SR.No.61815
+1cc to Mr.P.Subbiah, Advocate in SR.No.62001
+1cc to Special Government Pleader in SR.No.62184

smn

AE/SKN RSK/SAR1/30.06.2017/3P/9C

ORDER MADE IN
W.P (MD) No.3298 of 2017
23.06.2017