



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **28.02.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.3487 of 2017

and

W.M.P(MD)No.2837 of 2017

G.Chandrasekaran

.. Petitioner

Vs.

1.The District Collector,
Tuticorin and District.

2.The Tasildhar,
Kovilpatti, Tuticorin District.

3.The Commissioner,
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus restraining the third respondent from encroaching and constructing public latrine in Odai situated at Town Survey No.68 of Kovilpatti, Kovilpatti Taluk, Tuticorin District on the basis of Letter sent by the second respondent dated 08.02.2017 vide A6/766/2017.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents 1 and 2 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.3 : 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 to remove encroachments which are in existence in Town Survey No.68 of Kovilpatti, Kovilpatti Taluk, Tuticorin District, by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 and 2. Considering the nature of the relief sought in the writ petition and also considering the fact that the learned standing counsel of the third respondent is not present, this Court has inclined to pass the following order on merits.



3.It is seen from the records that Town Survey No.68 has been shown as a runnel (Oodai) in Kovilpatti. The main grievance expressed on the side of the petitioner is that some encroachments are in existence in Town Survey No.68.

4.Considering the classification of Town Survey No.68 and also considering the contention putforth on the side of the petitioner, the following order can be passed.

5.In fine, this writ petition is allowed without costs and the third respondent is directed to conduct proper survey with regard to Town Survey No.68 and if there is any encroachment, directed to remove the same under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
Tuticorin and District.
- 2.The Tasildhar,
Kovilpatti, Tuticorin District.
- 3.The Commissioner,
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.

+1 cc to M/R.B.RAJESH SARAVANAN, Advocate, SR.No:11438

+1cc M/S.SPECIAL GOVERNMENT PLEADER, SR.No:11566

SMN
SVA/MR/09.03.2017/2P/6C

**ORDER MADE IN
W.P(MD)No.3487 of 2017
and
W.M.P(MD)No.2837 of 2017
28.02.2017**