



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3766 of 2017

S.Duraisamy

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Thasildar,
Thiruvadanai,
Ramanathapuram District.

4.Rasi Eral Pannai (SMS),
Rep. by its Partner,
Sheik Abullah,
Keezhasananthal, Sithurvadi group,
Thiruvadanai Taluk,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate steps to remove the encroachment made by the fourth respondent in S.Nos.203 and 204, at Keezhasananthal, Sithurvadi Group, Thiruvadanai Taluk, Ramanathapuram District, based on the representation dated 30.01.2017.

For petitioner	: Mr.R.Vijayakumar
For respondents 1 to 3	: Mr.M.Govindan Special Government Pleader
For respondent 4	: Mr.C.Muthusaravanan

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner complains that the fourth respondent had committed encroachment in Survey Nos.203 and 204, at <https://hcservices.courts.gov.in/hcservices/> Keezhasananthal, Sithurvadi Group, Thiruvadanai Taluk, Ramanathapuram District. He had given a representation dated



30.01.2017, in this regard to the Tahsildar, Thiruvadanai Taluk, Ramanathapuram District. Since no action was taken, the present writ petition has been filed.

2. On notice being issued by this Court, the fourth respondent entered appearance and also filed counter affidavit. The fourth respondent would contend that he had not committed any encroachment on any public land. He had fenced his own private patta land.

3. Be that as it may, we direct the third respondent to enquire into the matter and conduct a fresh survey of the land in question. The third respondent shall issue notice to the petitioner as well as the fourth respondent before undertaking such an exercise of survey and measurement. If it is found any encroachment has been committed by the fourth respondent, the third respondent shall take action to remove the same. It is needless to say that due process of law shall be adhered to by the third respondent, while causing removal of such encroachment. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Thasildar,
Thiruvadanai,
Ramanathapuram District.

+1cc to Mr.C.MUTHUSARAVANAN, Advocate, SR. 70367

+1cc to Mr.R.VIJAYAKUMAR, Advocate, SR.70300

+1cc to M/S.Special Government Pleader, SR. 70625

W.P. (MD) No.3766 of 2017
03.08.2017

KM/NB

KK/MR KKR/SAR1-23.08.2017-2P-7C