



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.03.2017

CORAM:

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

W.P (MD) No.3802 of 2017

M.Chinnadurai

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Thoothukudi.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

4.The Block Development Officer,
Srivaikuntam Panchayat Union,
Thoothukudi District.

5.Thirasammal

.. 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 fourth respondent to remove the encroachment made by the fifth respondent herein in the public pathway situated in Survey No.809/22, Arasankulam, Kottrakurichi Village, Srivaikuntam Taluk, Thoothukudi District and pass such further or other orders.

For Petitioner

: Mr.A.Chandrakumar

For RR 1 to 3

: Mr.D.Muruganandam,
Additional Government Pleader.

For R - 4

: Mr.R.Velmurugan,
Government Advocate.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

<https://hcservices.ecourts.gov.in/hcservices/>
This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to



remove encroachments alleged to have been made by the fifth respondent in Survey No.809/22, Arasankulam, Kottrakurichi Village, Srivaikuntam Taluk, Thoothukudi District by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Mr.R.Velmurugan, learned Government Advocate, has taken notice for the fourth respondent. Considering the nature of the relief sought in the writ petition and also considering the classification of survey number mentioned therein, notice need not be sent to the fifth respondent.

3.It is seen from the order issued by the third respondent that Survey No.809/22 has been classified as a pathway wherein certain encroachments are in existence.

4.Considering the fact that Survey No.809/22 has been classified as a pathway wherein certain encroachments are in existence, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the fourth respondent is directed to conduct proper survey with reference to the revenue records in Survey No.809/22 and if there is any encroachment in Survey No.809/22, 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,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Thoothukudi.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

4.The Block Development Officer,
Srivaikuntam Panchayat Union,
Thoothukudi District.

+1CC to A.Chandrakumar,Advocate,SR.12791

+1cc to Special Government pleader,SR.12631

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