



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.04.2017
CORAM:

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

W.P(MD)No.5864 of 2017

B.Balamurugan

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

3.The Block Development Officer,
Office of the Block Development Officer,
Kovilpatti, Thoothukudi District.

4.Meenakshi

5.Sundaram

.. 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 made by the respondents 4 and 5 in Survey No.774/14, common pathway in Pazhathotta Nagar, Iluppaiyurani Panchayat, Kovilpatti, Thoothukudi District within the period that may be stipulated by this Court.

For Petitioner

: Mr.K.Neelamegam

For Respondents 1 to 3

: Mr.K.Guru,
Additional Government Pleader.

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/> Writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to



remove encroachments which are in existence in Survey No.774/14, common pathway situated in Pazhathotta Nagar, Iluppaiyurani Panchayat, Kovilpatti Taluk, Thoothukudi District, by way of issuing a writ of mandamus.

2.Mr.K.Guru, 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 classification of Survey No.774/14, notice need not be sent to the remaining respondents.

3.It is seen from the records that the second respondent has already taken proceeding so as to remove encroachments which are in existence in Survey No.774/14. Further it is seen from the records that the third respondent is the proper authority to remove the alleged encroachments. Under the said circumstances, this Court is inclined to pass the following order.

4.In fine, this writ petition is allowed without costs and the third respondent viz., Block Development Officer, Kovilpatti Thoothukudi District is directed to conduct proper survey with the assistance of revenue records in respect of Survey No.774/14 and if there is any encroachment directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

3.The Block Development Officer,
Office of the Block Development Officer,
Kovilpatti, Thoothukudi District.

+One cc to The Special Government Pleader, SR.No.50657

smn

RL/5C/2P/MR/SAR2/10.4.2017