



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

CORAM:

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

W.P(MD)No.6306 of 2017

M.Thirumalai

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
3. The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.
4. The Block Development Officer,
Vasudevanallur Union,
Vasudevanallur,
Tirunelveli District.
5. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Tenkasi,
Tirunelveli District.

6. Muthusamy

.. 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 encroachment made by the sixth respondent from the land in Survey No.540, Kurukkankulam, Subramaniyapuram Village, Sivagiri Taluk, Tirunelveli District, classified as water tank (Kurukkankulam) in the petitioner's representation dated 29.07.2016.



For Petitioner
For Respondents 1 to 5

: Mr.P.T.Thiraviam
: Mr.K.Guru,
Additional Government Pleader.

WEB COPY

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 alleged to have been made by the sixth respondent in Survey No.540, Kurukkankulam, Subramaniyapuram Village, Sivagiri Taluk, Tirunelveli 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 5. Considering the nature of the relief sought in the Writ Petition and also considering the fact that already the Commissioner, Panchayat Union, Vasudevanallur has issued notice with regard to alleged encroachments, notice need not be sent to the sixth respondent.

3.It is seen from the records that the Commissioner, Panchayat Union, Vasudevanallur has issued a proceeding wherein it has been clearly stated that in Survey No.540 certain encroachments are in existence.

4.The main contention putforth on the side of the petitioner is that in Subramaniyapuram Village, Survey No.540 has been classified as Kurukkankulam wherein certain encroachments have been made by the sixth respondent.

5.Considering the aforesaid factual circumstances, this Court is inclined to pass the following order.

6.In fine, this Writ Petition is allowed without costs and the fourth respondent is strictly directed to remove encroachments which are in existence in Survey No.540, Kurukkankulam, Subramaniyapuram Village, Sivagiri Taluk, Tirunelveli District, under due process of law within a period of three months.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Tirunelveli, Tirunelveli District.

2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

3. The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.

4. The Block Development Officer,
Vasudevanallur Union,
Vasudevanallur,
Tirunelveli District.

5. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Tenkasi, Tirunelveli District.

+ 1 CC TO Mr.P.T.THIRAVIAM, ADVOCATE IN SR No. 51711

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51369

PS

TE/SKN-RSK/SAR-IV : 13/04/2017 : 3P/8C

ORDER MADE IN
W.P (MD) No.6306 of 2017
10.04.2017