



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

CORAM:

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

W.P(MD)No.6401 of 2017

Thaveethu

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

4. Natarajan

.. 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 fourth respondent in the public pathway in Survey No.42/24 at Kottaikarai Theru, Puthoor, Padalaiyarkulam Village & Post, Nanguneri Taluk, Tirunelveli District in the light of the notice dated 07.10.2016 issued by the third respondent to the fourth respondent and by considering the petitioner's representation dated 25.11.2016.

For Petitioner : Mr.S.R.Anbarasu

For RR 1 to 3 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

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 3 to remove encroachments alleged to have been made by the fourth



respondent in Survey No.42/24, Kottaikarai Theru, Puthoor, Padalaiyarkulam Village and Post, Nanguneri Taluk, Tirunelveli District, by way of issuing a Writ of Mandamus.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the classification of Survey No.42/24 and also considering the contention putforth on the side of the petitioner that the fourth respondent has made certain encroachments in Survey No.42/24, notice need not be sent to the fourth respondent.

3.It is seen from the revenue records that Survey No.42/24 has been classified as a common pathway. Further, it is seen from the records that the third respondent has already issued a notice under Section 6 of the Tamil Nadu Land Encroachments Act, 1905. Under the said circumstances, this Court is inclined to pass the following order.

4.In fine, the third respondent is directed to take appropriate action on the basis of the notice alleged to have been issued by him within a period of one month. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+1cc to Mr.S.R.Anbarasu, Advocate Sr.No.51596

+1ccd to The Spl.Government Pleader Sr.No.51719

ps

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