



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2017

CORAM:

WEB COPY

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

W.P (MD) No.689 of 2017

Anthony Raj

.. Petitioner

Vs.

1. The District Collector,
Pudukottai District.

2. The Tahsildar,
Tahsildar Office,
Aalangudi Taluk,
Pudukottai District.

3. Meenakshi

4. Manoharan

5. Kavana 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 and 2 to take necessary action to remove the encroachment made by the respondents 3 to 5 at Government Poramboake pathway situated in Survey No.138/1 situated in Kovilpatti Village, Senthankudi Village, Aalangudi Taluk, Pudukottai District on the basis of the petitioner's representation dated 07.11.2016 within a stipulated time fixed by this Court and pass such further or other orders.

(Prayer amended vide order, dated
01.03.2017 in W.M.P(MD)No.2190 of 2017)

For Petitioner : Mr.K.Gokul

For Respondents 1 & 2 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondents 3 to 5 : Mr.P.Ganapathi Subramanian

**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 & 2 to remove encroachments alleged to have been made by the respondents 3 to 5 in Survey No.138/1, Kovilpatti Village, Senthankudi Village, Aalangudi Taluk, Pudukottai District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has advanced his argument on the basis of the averments made in the writ petition. Further, on the side of the petitioner a copy of 'A' register has been submitted wherein it is clearly stated to the effect that Survey No.138/1 has been classified as pathway.

3.The main contention putforth on the side of the respondents 3 to 5 is that Survey No.138/1 has been classified only as Natham. Under the said circumstances, the contention putforth on the side of the petitioner cannot be accepted.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 has contended to the effect that Survey No.138/1 has been classified as pathway and the same belongs to the Government.

5.Considering the classification of Survey No.138/1 and also considering the main contention putforth on the side of the petitioner to the effect that the respondents 3 to 5 have encroached Survey No.138/1, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the second respondent is directed to conduct proper survey in respect of Survey No.138/1, Kovilpatti Village, Senthankudi Village, Aalangudi Taluk, Pudukottai District, with reference to revenue records and if there is any objectionable encroachment directed to remove the same under due process of law within a period of two months.

Sd/-

Assitant Registrar(CS I)

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Pudukottai District.

2. The Tahsildar,
Tahsildar Office,
Aalangudi Taluk,
Pudukottai District.

+1cc to M/s.P.GANAPATHI SUBRAMANIAN, Advocate, in SR No.12994
+1cc to Special Government Pleader, Sr.No. 12869
+1cc to M/s K.GOKUL, Advocate, Sr No.13199

AAM-PM/SAR 3 /09.03.2017 3P 6C

ORDER MADE IN
W.P (MD) No.689 of 2017
06.03.2017