



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.70 of 2017

Tamilselvan

.. Petitioner

Vs.

1. The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur.
2. The Tahsildar,
Orthanadu Taluk Office,
Thanjavur District.
3. The Project Development Officer
(Rural Development),
Orthanadu, Thanjavur District.
4. The Deputy Superintendent of Police,
Orthanadu, Thanjavur District.
5. The Inspector of Police,
Orthanadu Police Station,
Thanjavur District.
6. S.Viswanathan
7. N.Subbaiyan
8. J.Sridhar
9. Lakshmanan

.. 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 implement the third respondent order in Na.Ka.No.2505/ 2016/A2 dated 12.12.2016.

For Petitioner

: Mr.S.Gopalamanikandan

<https://hcservices.ecourts.gov.in/hcservices> For Respondents 1 to 5

: Mr.D.Muruganandam,

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 fourth respondent to implement order passed by the third respondent in Na.Ka.No.2505/2016/A2 dated 12.12.2016, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Parankivettaikadu Village, Orathanadu Taluk, Thanjavur District. Further it is averred in the petition that the respondents 6 to 9 have made certain encroachments in road and the same have been removed. Again the same respondents have encroached and put up fence. Under the said circumstances, the third respondent has sent a letter dated 12.12.2016 to the fourth respondent. But the fourth respondent has not taken any action and therefore the present writ petition has been filed.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 5. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondents.

4.It is seen from the records that already encroachments have been removed. But subsequently the respondents 6 to 9 have put up similar encroachments. Under the said circumstances, the letter dated 12.12.2016 has been sent to the fourth respondent. But the fourth respondent has not taken any action.

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

6.In fine, this writ petition is allowed without costs and the third respondent is directed to remove the encroachments subsequently made by the respondents 6 to 9 within a period of two months. The fourth respondent is directed to give necessary protection at the time of removal of encroachments and the third respondent is further directed to lodge a complaint against the encroachers to the fourth respondent. The fourth respondent is also directed to take penal action.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To

1. The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur.
2. The Tahsildar,
Orthanadu Taluk Office,
Thanjavur District.
3. The Project Development Officer
(Rural Development),
Orthanadu, Thanjavur District.
4. The Deputy Superintendent of Police,
Orthanadu, Thanjavur District.
5. The Inspector of Police,
Orthanadu Police Station,
Thanjavur District.

+1cc to Mr.S.Gopalamanikandan, Advocate, SR.No.723

+1cc to Special Government Pleader, SR.No.867

ORDER MADE IN
W.P (MD) No.70 of 2017
04.01.2017

smn

MK/GSV-SV/19.1.2017/3p/8c