



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P (MD) No.7709 of 2017

M.Chinnamariappan

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sathur Taluk, Sathur,
Virudhunagar District.

3.The Managing Director,
Valli Textile Mills,
N.Venkateshwarapuram Panchayat,
N.Supaiyapuram Post,
Sathur Taluk, Virudhunagar District.

.. 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 remove the unlawfully constructed additional building and illegally erected bore-well and fences of third respondent in Government Poramboke cart track cum pathway comprised in Survey in No.56/3, Nalli Village, N.Venkateshapuram Panchayat, Sathur Taluk, Virudhunagar District and ensure the above cart track cum pathway be free of encroachment, on the basis of representation dated 06.03.2017.

For Petitioner

: Mr.T.Indrachithu

For Respondents 1 and 2

: Mr.K.Guru,

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 and 2 to remove encroachments which are in existence in Survey in No.56/3, Nalli Village, N.Venkateshapuram Panchayat, Sathur Taluk, Virudhunagar District, by way of issuing a writ of mandamus.



2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents 1 and 2. Considering the nature of the relief sought in the writ petition as well as classification of Survey No.56/3, notice need not be sent to the third respondent.

3.The main contention putforth on the side of the petitioner is that Survey No.56/3, Nalli Village has been classified as a cart track and further the said aspect has been accepted by the second respondent. Further the second respondent has stated in his proceedings to the effect that there is an encroachment in Survey No.56/3.

4.Considering the classification of Survey No.56/3 and also considering that encroachments are in existence in Survey No.56/3, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs. The second respondent is strictly directed to conduct proper survey in respect of Survey No.56/3 with reference to revenue documents after giving proper opportunity to the third respondent 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(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sathur Taluk, Sathur,
Virudhunagar District.

+1cc to Mr.T.Indra Chithu, Advocate in SR.No:53739

+1cc to Special Government Pleader in SR.No:54237

smn

AE/JC/SAR2/28.04.2017/2P/5C