



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

WEB COPY

CORAM:

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

W.P (MD) No.7833 of 2017

S.Ramasubbu

.. Petitioner

Vs.

1. The State represented by
The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Thoothukudi District, Thoothukudi.
3. The Tahsildar,
Vilathikulam Taluk,
Vilathikulam, Thoothukudi District.
4. The Block Development Officer
(Special Officer for Kumarettayapuram
Village Panchayat), Vilathikulam Taluk,
Thoothukudi 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 respondent herein to remove the encroachment made in Survey No.31/1, A.Velayuthapuram Village, K.Kumarettayapuram Revenue Village, Vilathikulam Taluk, Thoothukudi District within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.V.Rajkumar
For Respondents 1 to 3 : Mr.K.Guru,
Additional Government Pleader.

For Respondent No.4 : Mr.M.Murugan,
Government Advocate.

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

WEB COPY This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove encroachments which are in existence in Survey No.31/1, A.Velayuthapuram Village, K.Kumarettayapuram Revenue Village, Vilathikulam Taluk, Thoothukudi 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 3 and Mr.M.Murugan, learned Government Advocate, has taken notice for the fourth respondent.

3.It is seen from the records that Survey No.31/1, A.Velayuthapuram Village has been shown as a water tank. Further it is seen from the records that so many encroachments are in existence. Under the said circumstances, the petitioner has given a representation. On the basis of the representation given by the petitioner, the second respondent viz., District Collector, Thoothukudi District has directed the third respondent viz., Tahsildar, Vilathikulam Taluk, to look in to the alleged encroachments. But the third respondent has not done anything.

4.Considering the fact that Survey No.31/1 has been classified as a tank and also considering that so many encroachments are in existence, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the respondents 3 and 4 are directed to conduct proper survey in respect of Survey No.31/1, A.Velayuthapuram Village, K.Kumarettayapuram Revenue Village, Vilathikulam Taluk, Thoothukudi District and if there is any encroachment in Survey No.31/1 directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department,

<https://hcservices.ecourts.gov.in/hcservices/>
Port of George, Chennai - 600 009.



2. The District Collector,
Thoothukudi District, Thoothukudi.

3. The Tahsildar,
Vilathikulam Taluk,
Vilathikulam, Thoothukudi District.

4. The Block Development Officer
(Special Officer for Kumarettayapuram
Village Panchayat), Vilathikulam Taluk,
Thoothukudi District.

+1cc to Mr.R.V.Rajkumar, Advocate Sr.No.54124
+1cc to The Spl.Government Pleader Sr.No.54689

smn

vb/jc/sar4/03.05.2017/3p/7c

ORDER MADE IN
W.P (MD) No.7833 of 2017
26.04.2017