



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.8512 of 2017

N.Andi

: Petitioner

Vs.

1.The District Collector,
Collectorate,
Trichy.

2.The Revenue Divisional Officer,
Musiri,
Trichy District.

3.The Tahsildar,
Taluk Office,
Turaiyur,
Trichy District.

4.The Taluk Surveyor,
Taluk Office
Turaiyur,
Trichy District.

5.R.Mahoharan

: Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, call for the records relating to Na.Ka.A5-4045-2016 dated 17.03.2017 by the third respondent and quash the same and consequently direct the third respondent to take action in pursuant to the communication vide O.Mu.A3/4944/2016 dated 18.11.2016 to survey and measure the S.No.279/8 and to remove the encroachment made by the fifth respondent in S.No.279/9 which is pathway lane.

For Petitioner : Mr.N.Mohan

For Respondents 1 to 4 : Mr.M.Govindan

Special Government Pleader

For Respondent No.5 : V.S.V.Venkateswaran



O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner seeks removal of the encroachment said to have been committed by the fifth respondent. He had already moved the authorities. But the Tahsildar, Turaiyur, informed by communication dated 17.03.2017 that the request of the writ petitioner cannot be accepted.

2. When the matter was taken up for hearing, it was submitted by the learned Special Government Pleader that both the writ petitioner as well as the fifth respondent have committed encroachments.

3. We therefore direct the third respondent to conduct a comprehensive survey of the area in question, in particular, Survey Nos. 279/8, 279/9 and if it is confirmed that encroachment has been committed by the writ petitioner as well as the fifth respondent, the third respondent shall take action to remove both the encroachments. It is needless to add that the third respondent shall issue notice to the writ petitioner as well as the fifth respondent and follow the statutory procedure and then only remove the encroachments in question. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(writs)

/Truecopy/

Sub Assistant Registrar

To

1. The District Collector, Collectorate, Trichy.
2. The Revenue Divisional Officer, Musiri, Trichy District.
3. The Tahsildar,
Taluk Office, Turaiyur, Trichy District.
4. The Taluk Surveyor,
Taluk Office, Turaiyur, Trichy District.

+1cc to M/S.V.S.V.VENKATESVARAN, Advocate SR.No.71259

+1cc to M/S.N.MOHAN, Advocate SR.No.70898

tsg/skm

MAS/JC/SAR2:23.08.2017:2P-7C