



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2017

CORAM:

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

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.24479 of 2016

A.Chandradoss

.. Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni.

3.The Village President,
Anaimalaiyanpatti Village Panchayat,
Uthamapalayam Taluk, Theni District.

4.The President,
Thokkalavar Community,
Anaimalaiyanpatti Village Panchayat,
Uthamapalayam Taluk, Theni District.

5.R.Veera Perumal

6.The Block Development Officer (Village Panchayat),
Uthamapalayam, Uthamapalayam Taluk, Theni District.

7.The Special Officer,
Anaimalaiyanpatti Village Panchayat,
Uthamapalayam Taluk, Theni District.
(Respondents 6 and 7 are impleaded
vide order dated 14.02.2017 made
in W.M.P(MD)No.863 of 2017).

.. 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 herein to remove the encroachment made in government poramboke land in S.No.429/1 at Mallingapuram, Anaimalaiyanpatti Village, Uthamapalayam Taluk, Theni as per the proceedings of the first respondent in S.No.429/1 of 2015/AA5 dated 14.01.2016 based on G.O.Ms.No.540 dated 04.12.2014 within a reasonable time.



For Petitioner : Mr.K.Appadurai
For Respondents : Mr.D.Muruganandam,
1 to 3, 6 and 7 Additional Government Pleader.
For Respondent No.5 : Mr.M.Maharaja
(No appearance)
For Respondent No.4 : No appearance

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 to 3, 6 and 7 to remove encroachments alleged to have been made in Survey No.429/1, Mallingapuram, Anaimalayanpatti Village, Uthamapalayam Taluk, Theni District, by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 6 and 7. There is no representation on the side of the fifth respondent.

3.It is seen from the records that Survey No.429/1 has been classified as a street. Since Survey No.429/1 has been classified as a street and the contention putforth on the side of the petitioner is that the fifth respondent has made certain encroachments, this Court is inclined to pass the following order.

4.In fine, this writ petition is allowed without costs and the respondents 6 and 7 are directed to remove encroachments which are in existence in Survey No.429/1 under due process of law within a period of two months.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni.

<https://hccs.ecourts.gov.in/gse>
3.The Vice President,
Anaimalaiyanpatti Village Panchayat,
Uthamapalayam Taluk, Theni District.



4.The Block Development Officer (Village Panchayat),
Uthamapalayam, Uthamapalayam Taluk, Theni District.

5.The Special Officer,
Anaimalaiyanpatti Village Panchayat,
Uthamapalayam Taluk, Theni District.

+1 cc to M/s.K.Appadurai, Advocate in SR.No.9141

+1 cc to The Special Government Pleader in SR.No.9375

smn

CSL/SV-MMS/SAR-III/24.02.2017 :3P/8C

ORDER MADE IN
W.P(MD)No.24479 of 2016
20.02.2017