



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.02.2017**

CORAM:

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

and

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

W.P (MD) No.24534 of 2016

and

W.M.P (MD) No.17691 of 2016

D.Jeyapal

.. Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur Revenue District,
Sattur, Virudhunagar District.

3.The Tahsildar,
Tahsildar Office,
Rajapalayam,
Virudhunagar District.

4.Arulmigu Sri Sundaranachiamman Thirukovil
by its Trustee, Settiarpatti Village,
Rajapalayam Village,
Virudhunagar District.

[Fourth respondent is impleaded vide order
dated 02.01.2017 made in W.M.P (MD) No.
18114 of 2016].

.. 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 to remove the encroachment made in Settiarpatti Village, Rajapalayam Taluk, Virudhunagr District comprised in S.No.59/1A in an extent of 6 Hectares and 18 Ares and file a report to this Court within a stipulated period.

[Prayer is amended vide order dated 02.01.2017 made in W.M.P (MD) No.18115 of 16].

For Petitioner

: Mr.G.Maruthiah

For Respondents 1 to 3

: Mr.M.Govindan,
Special Government Pleader.

For Respondent No.4

: Mr.C.Vakeeswaran

**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 to remove encroachments which are in existence in Survey No.59/1A, Settiarpatti Village, Rajapalayam Taluk, Virudhunagr District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

3.The learned counsel appearing for the fourth respondent has contended to the effect that admittedly there is an encroachment in Survey No.59/1A, but for the purpose of getting lease, a representation has been given to the first respondent.

4.On the basis of rival representations made on either side earlier, an Advocate Commissioner has been appointed and he inspected Survey No.59/1A and ultimately found that a portion of Marriage Hall is situate in Survey No.59/1A. It is an admitted fact that the fourth respondent is not the owner of Survey No.59/1A.

5.Considering the fact that in Survey No.59/1A encroachments are in existence, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the respondents 1 to 3 are directed to remove encroachments after considering the representation alleged to have been given by the fourth respondent to the first respondent within a period of six months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

smn

To

1.The District Collector,
Securities Building,
Virudhunagar District.



2.The Revenue Divisional Officer,
Sattur Revenue District,
Sattur, Virudhunagar District.

3.The Tahsildar,
Tahsildar Office,
Rajapalayam,
Virudhunagar District.

+1cc to Mr.G.Maruthiah,Advocate Sr.No. 10212

+1cc to Mr.C.Vakesswaran,Advocate Sr.No. 10421

+1cc to Spl.Government Pleader Sr.No. 10895

JAM/01.03.17 /RSK/3p-7c

ORDER MADE IN
W.P (MD) No.24534 of 2016
and
W.M.P (MD) No.17691 of 2016

23.02.2017