



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. [MD].No.13923 of 2013

V.Vaidyanathan : Petitioner
Vs.

1.The District Collector
Sivagangai.
2.The Tahisildar,
Karaikudi.
3.K.R.Ganesan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent herein to survey and measure the lands in Survey Nos.106/5A, 108/2, 109/2, 163/7, 164/7, 165/3, 166/5, 124/2, 114/2, 121/1 and remove the encroachments made by the third respondent herein and demarcate the pathway pursuant to the application dated 24.12.2012 of the petitioner herein.

For Petitioner : Mr.C.Mahadevan
For Respondents 1 &2 : Mr.M.Govindan,
Special Government Pleader

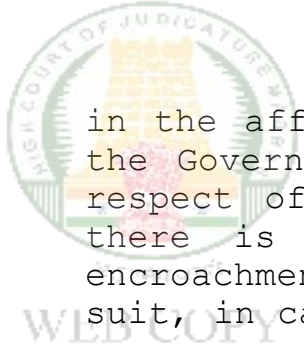
O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition to direct the second respondent to survey and measure the land in Survey Nos.106/5A, 108/2, 109/2, 163/7, 164/7, 165/3, 166/5, 124/2, 114/2, 121/1 and remove the encroachment made by the third respondent.

2. The learned Special Government Pleader, on instructions, submitted that there is no such property in Survey No.106/5A. The other survey numbers are all private lands and as such, no action could be taken to remove the encroachment.

3. The petitioner has come up with a grievance that the third respondent is in unauthorized occupation of the lands referred to



in the affidavit filed in support of the Writ Petition. Now that the Government made it very clear that there is no such land in respect of which encroachment was made by the third respondent, there is no question of issuing a Mandamus for removal of encroachment. It is always open to the petitioner to file a civil suit, in case he is still aggrieved.

4. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai.

2. The Tahisildar,
Karaikudi.

+1 cc to M/S.AL.Gandhimathi , Advocate in SR.No. 63581

+1 cc to Special Government Pleader in SR.No.63990

SML

AE/SV/SAR4/13.07.2017/2P/5C

**Order made in
W.P. [MD].No.13923 of 2013
Dated: 05.07.2017**