



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17066 of 2013

V.Baskaran

... Petitioner

Vs.

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
2. The Assistant Settlement Officer,
Thanjavur, Thanjavur District.
3. The District Revenue Officer,
Tiruchirappalli,
Tiruchirappallai District.
4. The Tahsildar,
Mannachanallur Taluk,
Trichy District.
5. K.Ganesan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in S.No.553/10B, Nadu Irungalur Village, Mannachanallur Taluk, Trichy District.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 4
Mr.Jayaramachandran for R5

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 respondents 1 to 4 to take action against the fifth respondent and remove the encroachment made by him in respect of the public pathway in S.No.553/10B, Nadu Irungalur Village, Mannachanallur Taluk, Trichy District.

2. The learned counsel for the fifth respondent submitted that the fifth respondent died during the currency of this writ



petition. According to the learned counsel, the suit filed by the fifth respondent in O.S.No.160 of 1995 was dismissed for default. The legal heirs of the fifth respondent has already taken steps to restore the said suit.

3.The question as to whether there is an encroachment in respect to the land in S.No.553/10B is an issue essentially to be decided by the fourth respondent.

4.We give liberty to the petitioner to submit a comprehensive representation to the fourth respondent. The fourth respondent shall consider and dispose of the same as per law after issuing notice to the legal representatives of the fifth respondent and other encroachers. Such exercise shall be completed within a period of four months from the date of receipt of representation.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
2. The Assistant Settlement Officer,
Thanjavur, Thanjavur District.
3. The District Revenue Officer,
Tiruchirappalli,
Tiruchirappallai District.
4. The Tahsildar,
Mannachanallur Taluk,
Trichy District.

+1cc to Mr.K.Govindarajan, Advocate SR.No.67742
+1cc to Mr.A.Jayaramachandran , Advocate SR.No.67526
+1cc to The Spl.Government Pleader Sr.No.68379

SKM/ARUL

VB/GT/SAR4/08/08/2017/2P/8C

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