

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 29.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN****AND****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.18435 of 2013**

A.Kulandaisamy

... Petitioner

Vs.

1. The District Collector,
Thanjavur.
2. The District Revenue Officer,
Thanjavur.
3. The Tahsildar, Thanjavur Taluk,
Thanjavur.

4.Rita Mary

5. The Divisional Engineer,
Highways Department,
Thanjavur.

(R5 is Suo motu impleaded as

party as per order dated 29.08.2017)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to take appropriate action on the representation of the petitioner dated 07.08.2013 in accordance with law within a stipulated time.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader for RR1 to 3
Mr.V.S.Ramalingam for R4**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petition has been filed for removal of encroachment in Survey No.406 in Arputhapuram Village, Thanjavur Taluk.



2.The Divisional Engineer, Highways Department, Thanjavur is the authority competent to remove the encroachments. He is therefore *suo-motu* impleaded as fifth respondent in this writ petition.

3.In the counter affidavit filed by the third respondent, it is clearly mentioned that R.S.No.406 is classified as Government highways poramboke and that the fourth respondent has committed encroachment thereon. It is also mentioned that the encroachment is an objectionable one and that the fourth respondent is liable to be evicted.

4.In this view of the matter, the fifth respondent is directed to issue notice to the fourth respondent and after following the due process of law, remove the encroachment 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.

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

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur.
2. The District Revenue Officer,
Thanjavur.
3. The Tahsildar, Thanjavur Taluk,
Thanjavur.
4. The Divisional Engineer,
Highways Department, Thanjavur.

+1 cc to The Special Government Pleader, in SR.No. 75729
+1 cc to Mr.P.Sesubalan Raja , Advocate in SR.No. 75545

Skm/Arul

AE/KP/SAR3/20.09.2017/2P/7C