



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.4013 of 2013

and

M.P.(MD)No.1 of 2013

K.Mohandas

: Petitioner

Vs.

1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

2.The Assistant Director of Town Panchayat,  
Sivaganga Zone, Sivagangai.

3.The Executive Officer,  
Kamuthi Town Panchayat,  
Ramanathapuram District.

4.Muthumanickam

5.G.Sivaprakasam

6.D.Murugesan

7.P.Jeyalakshmi

8.P.Selvamani

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment caused by the respondents 4 to 8 by putting up a wall across Narkara Street, Kamuthi obstructing access to S.No.606/1959.

For Petitioner : Mr.K.Ramesh Kannan

For Respondents 1&2 : Mr.T.S.Mohammed Mohideen,  
Additional Government Pleader

For Respondent No.3 : Mr.N.Dilip Kumar

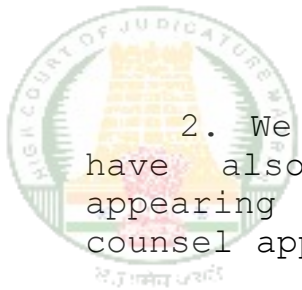
For Respondents 4 & 7 : Dismissed vide Court order  
dated 01.10.2013

For Respondents 5,6&8 : No Appearance

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner seeks a direction to the respondents 1 to 3 to remove the encroachment for removal of the encroachment caused by the respondents 4 to 8 by putting up a wall across a Public Street.



2. We have heard the learned counsel for the petitioner. We have also heard the learned Additional Government Pleader appearing for the first and second respondents and the learned counsel appearing for the third respondent.

3. The learned counsel for the third respondent would state that the Executive Officer of Kamuthi Town Panchayat requested the Jurisdictional Tahsildar to conduct survey and submit a report to that effect.

4. In view of the above stated position, we direct the Tahsildar, Kamuthi, to conduct survey, as requested by the third respondent, within a period of four weeks from the date of receipt of a copy of this order. After such survey, if it is found that there is encroachment made by the private respondents herein, the third respondent shall take action in accordance with law for removal of such encroachment. Such exercise shall be completed, within a period of three months from the date of receipt of report from the Tahsildar, Kamuthi.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
- 2.The Assistant Director of Town Panchayat,  
Sivaganga Zone, Sivagangai.
- 3.The Executive Officer,  
Kamuthi Town Panchayat,  
Ramanathapuram District.
- 4.The Thasildar, Kamuthi.

+1cc to M/S.N.Dilip Kumar, Advocate SR.No. 67425

+1cc to Special Government Pleader, SR.No. 67896

Order made in  
W.P.[MD].No.4013 of 2013

Dated:  
24.07.2017