

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.10.2018

C O R A M

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4770 of 2011

Ramaswamy

..Petitioner

Vs.

1. The District Collector,
Salem District.

2. The District Revenue Officer,
Salem.

3. The Tahsildar,
Sangagiri,
Salem District.

4. Appaiyan @ Madhiyan

..Respondents

Prayer: Petition filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to remove the encroachment of the 4th respondent and his family in the Odai Poromboke lands situated at Kulachi Kaddu near Madurai Kaadu in Sangagiri Kaliyanor Road in front of Survey No.665/2c and 3812/3C.

For Petitioner : M/s.B.L.Jayakandan

For Respondents : Mr.B.Anand, G.A., for RR1 to 3
Mr.G.Arulmurugan, for R4

O R D E R

Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 3 and the learned counsel for the 4th respondent and perused the materials available on record.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the third respondent to remove the encroachment made by the fourth respondent and his family in Odai Poramboku land situated in front of Survey Nos.665/2c and 3812/3C.

3. The case of the petitioner is that he became the absolute owner of the property, measuring an extent of 4.10 acres in Survey No.665/2 in Devanna Cravundar Village, by

virtue of sale deed, registered as document No.11 of 1985, another extent of 2.08 acres in Survey No.665/2 and another extent of 0.12 cents in Survey No.681/3 was purchased in the name of his wife. They were issued with joint patta by Tahsildar, Sankari.

4. The grievance of the petitioner is that the fourth respondent along with his family members has encroached a Panchayat Road and prevented the petitioner to reach his properties. Since the authorities have not removed the encroachment, despite his representation dated 19.11.2010, he has come forward with this Writ Petition.

5. In the counter affidavit filed by the third respondent, in paragraph 7, it is stated that the fourth respondent himself had removed the encroachment in the above survey numbers and now there is no encroachment and in future also, encroachment will not be allowed.

6. In the light of the counter affidavit filed by the third respondent-Tahsildar, this Writ Petition is disposed of, as no further adjudication is required. No costs.
Pvs

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem District.
2. The District Revenue Officer,
Salem.
3. The Tahsildar,
Sangagiri, Salem District.

+1cc to M/s.B.L.Jayakandan, Advocate S.R.No.67986
+1cc to Mr.G.Arulmurugan, Advocate S.R.No.68474
+1cc to the Government Pleader, S.R.No.68543

KR/25/10/18

W.P.No.4770 of 2011