

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.24449 of 2018

V.Ramasamy

...Petitioner

-vs-

1.The District Collector,
Collectorate, Tiruvarur District,
Tiruvarur.

2.The Revenue Divisional Officer,
Mannargudi, Tiruvarur District.

3.The Tahsildar,
Taluk Office,
Thiruthuraipoondi.

4.The Secretary,
Revenue Department,
Secretariat, Chennai - 600 009.

5.Natarajan

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate legal action to evict the illegal encroachment committed by the 5th respondent pertaining to Survey No.115/6 at Muthupettai Railway Station Street.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents: Ms.Thanga Vadhana Balakrishna
Addl. Govt.Pleader for R1 and R4
Mr.G.Murugendran
for R5

O R D E R

[Order of the Court was delivered by
R.SUBRAMANIAN,J.]

The complaint of the petitioner is that the 5th respondent has encroached upon the pathway in S.No.115/6. He seeks a Mandamus directing removal of the encroachment.

2. On notice Mr.G.Murugendran, learned counsel appears on behalf of the 5th respondent. He has filed counter affidavit along with typed set of papers.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader on behalf of respondents 1 to 4 and the learned counsel for the 5th respondent.

4. According to the learned counsel appearing for the 5th respondent, the 5th respondent has not encroached upon any Government land or pathway. He would also point out that the petitioner has filed a suit in O.S.No.64 of 2018 seeking permanent injunction restraining the 5th respondent from interfering with his possession of the property in S.No.115/6. He would also contend that the land in Survey No.115/6 was sold by the father of the petitioner even in the year 1963 to one Palaiyan and the said Palaiyan in turn sold the property to the 5th respondent.

5. In the light of the controversy, we direct the third respondent to inspect the property owned by the petitioner as well as the 5th respondent, measure the same and if any of the parties have encroached upon the land belonging to the Government or the land is classified as Pathway, the Tahsildar would take appropriate action to remove the encroachment in accordance with law.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collectorate, Tiruvarur District,
Tiruvarur.

2.The Revenue Divisional Officer,
Mannargudi, Tiruvarur District.

3.The Tahsildar,
Taluk Office,
Thiruthuraipoondi.

4.The Secretary,
Revenue Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.K.M.Subramanian, Advocate SR.NO.74045

+1cc to Mr.M.Senthil Advocate SR.NO.74096

+1cc to Government Pleader SR.NO.74411

sm:13.11.2018

W.P.No.24449 of 2018