

In the High Court of Judicature at Madras

Dated : 31.10.2018

Coram

The Honourable Mr.Justice K.K. SASIDHARAN
AND

The Honourable Mr.Justice R. SUBRAMANIAN

W.P.No.26233 of 2018

S. Manikandan

....Petitioner

..vs..

1.The District Collector,
Villupuram District,
Villupuram

2.The District Revenue Officer,
Villupura District
Villupuram

3.The Block Development Officer,
Thirunavalur,
Ulundurpet T.K.,
Villupuram District

4.The Tahsildar,
Ulundurpet Taluk,
Villupuram District

5.Jayakumar

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to take action against the persons abstaining the route of the chariot as well as the water body of Arulmigu Selliamman Manmathan Swamigal, by putting up a wall, situated at Natham S.No.632/6 about an extent of 00092 Sq.Metres and the other encroachers in the said area of the said temple based upon the representation of the petitioner dated 23.07.2018.

For Petitioner : Mr.K. Vijayaragavan

For R.1 to R.4 : Ms.Thangavadhana Balakrishnan
AGP

For R.5 : Mr.L.S.M. Hasan Fizal

ORDER
(Order of the Court was made by R. SUBRAMANIAN,J.)

The petitioner seeks a direction to the official respondents 1 to 4 to remove the encroachment in S.No.632/6, Kalamarudur village.

2.Upon notice, the alleged encroacher fifth respondent appears through counsel.

3.The learned Additional Government Pleader, on instructions, would submit that the actual encroachment is in S.No.632/1 and not in S.No.632/6. A notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was sought to be served on the fifth respondent, however, he evaded notice.

4.Now that action has been initiated under the Tamil Nadu Land Encroachment Act, 1905 for removal of encroachment. We direct the respondents 1 to 4 to pursue the said action as per law to remove the encroachment.

5.Mr.L.S.M. Hasan Fizal, learned counsel appearing for the fifth respondent would submit that the fifth respondent has not encroached upon any portion of Government land. It is open to the fifth respondent to submit his explanation to notice dated 31.08.2018. The learned counsel also agrees to collect the notice from the Office of the Block Development Officer, Thirunavalur, Ulundurpet Taluk and submit his explanation. On receipt of the explanation, the authorities shall proceed in accordance with law. The fifth respondent shall submit his explanation within 10 days from the date of receipt of a copy of this order, failing which, the authorities can proceed as per law.

6.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sr

To

1.The District Collector,
Villupuram District,
Villupuram

2.The District Revenue Officer,
Villupuram District
Villupuram

3.The Block Development Officer,
Thirunavalur,
Ulundurpet T.K.,
Villupuram District

4.The Tahsildar,
Ulundurpet Taluk,
Villupuram District

+lcc to Mr.L.S.M.Hasan Fizal, Advocate, S.R.No.75245

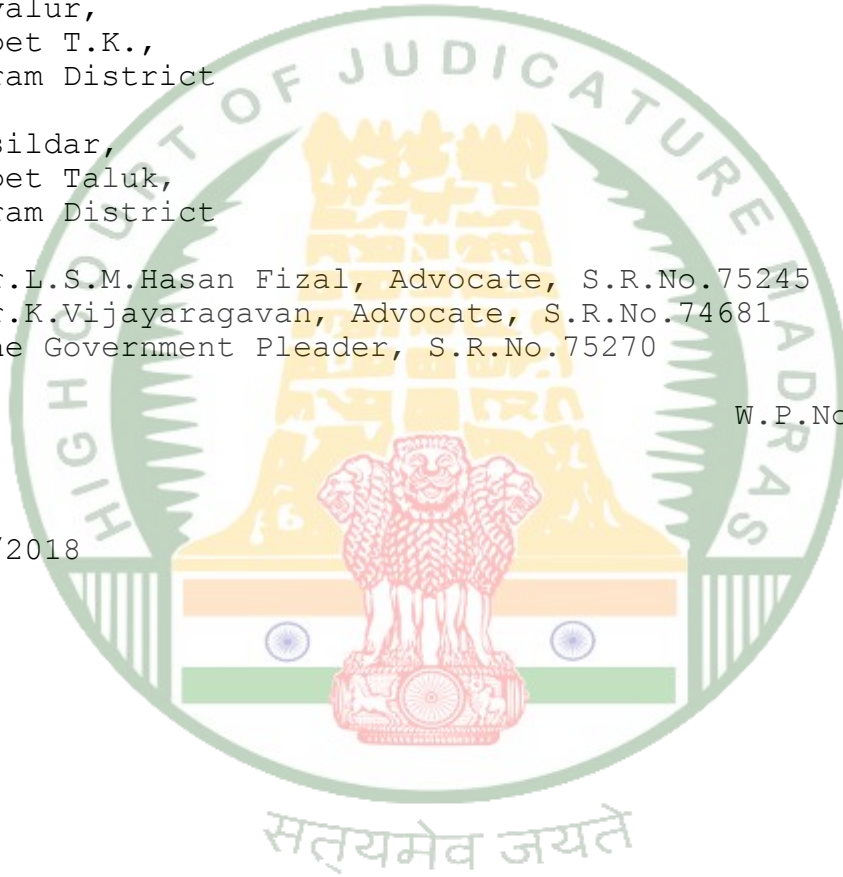
+lcc to Mr.K.Vijayaragavan, Advocate, S.R.No.74681

+lcc to the Government Pleader, S.R.No.75270

W.P.No.26233/2018

KK(CO)

rrs 22/11/2018



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