



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P(MD)No.144 of 2018

Maruthai

... Petitioner

Vs.

1. The District Collector,
Karur District, Karur.

2. The Tahsildar,
Kadavur Taluk,
Kadavur, Karur District.

3. Kaliappan

4. T.Subramanian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in Survey No.1107 and Survey No.111/1 situated at Poosaripatti, Sembiyanatham Post, Tharagampatti Firka, Kadavur Taluk, Karur District within the stipulated period as fixed by this Court.

For Petitioner : Mr.M.M.Saravanan

For Respondents : Mr.A.K.Baskara Pandian

Special Government Pleader for R.1 and R.2

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims to be a social activist and according to the learned Counsel appearing for the petitioner, on instructions, the petitioner is not an encroacher. The petitioner would state that some portion of the land in Survey No.1107 of Sembiyanatham village is classified as "Odai Poromboke" and the land in Survey No.1111 is classified as "Poosaripatti Natham" and the respondents 3 and 4 had encroached upon the said lands and in



this regard, the petitioner submitted a representation dated 04.12.2017 to the first respondent and inspite of receipt of acknowledgment, no action has been taken so far and hence, the petitioner came forward to file the present writ petition.

3. Heard the learned Counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 and 2.

4. A perusal of the additional typed set of documents, would disclose that as per the village accounts, Survey No.1107 is classified as "Government Poromboke Cart Track" and Survey No.1111 is also classified as "Government Poromboke" and indicated as "Poosaripatti Natham".

5. Though the petitioner prays for a larger relief, in the light of the facts and circumstances, this Court, without going into the merits of the claim projected by the petitioner, directs the petitioner to submit one more representation to the second respondent along with a copy of this order and also enclosing the relevant and authenticated documents to substantiate his claim, within a period of two weeks from the date of receipt of a copy of this order and the second respondent, upon receipt of the same, is directed to put the respondents 3 and 4 and any other alleged encroachers on notice and thereafter consider the petitioner's representation on merits and in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken to the petitioner, the respondents 3 and 4 and other encroachers if any.

6. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District, Karur.
2. The Tahsildar, Kadavur Taluk,
Kadavur, Karur District.

+ 1 CC TO Mr.M.M.SARAVANAN, ADVOCATE IN SR No. 42895
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43638

SSL/DSK

https://hccs.ecourt.gov.in/ssl/DSK : 02/02/2018 : 2P/5C

W.P (MD) No.144 of 2018
19.01.2018