



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.P. [MD] .No.2125 of 2018

T.Kumaraguru

: Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi Division,
Virudhunagar District.
3. The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.
4. The Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur,
Virudhunagar District.
5. Mr.Jeyaraman
6. Mr.Vignesh

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to implement the orders of the second and third respondents through their proceedings in ஓ.மு.ஆ.1/535/2017, நாள் 24.03.2017 and ந.க.பி1/517/2017, நாள் 29.03.2017, respectively by removing the encroachment in Survey No.488/11, Achankulam Village, Srivilliputhur Panchayat Union, Srivilliputhur Taluk, Virudhunagar District by considering the petitioner's representation, dated 10.01.2017.

For Petitioner

: Mr.M.Solaisamy

For R1 to R4

: Mr.R.Sethuraman

Special Govt. Pleader

For R5 & R6

: Mr.B.Thanga Aravindh

**O R D E R***********

[Order of the Court was made by **R.SUBBIAH, J.**]

This writ petition has been filed seeking for issuance of a Writ of Mandamus, directing the fourth respondent to implement the orders of the second and third respondents through their proceedings in **ஓ.பி.ஓ.1/535/2017**, நாள் 24.03.2017 and **ந.க.பி1/517/2017**, நாள் 29.03.2017, respectively by removing the encroachment in Survey No.488/11, Achankulam Village, Srivilliputhur Panchayat Union, Srivilliputhur Taluk, Virudhunagar District by considering the petitioner's representation, dated 10.01.2017.

2. The case of the petitioner is that he is a resident of Achankulam Village, Srivilliputhur Panchayat Union and he has constructed a house in Survey No.488/11 and a bathroom was constructed inside his house. The respondents 5 & 6 have constructed a house adjacent to the house of the petitioner. But, the fourth respondent has constructed a drainage channel at the back side of the petitioner's house. Now, the respondents 5 & 6 were encroaching the drainage channel and have also put up some constructions. Due to the same, the waste water from the petitioner's house is not flowing properly through the drainage channel. In this regard, the petitioner has made a representation to the respondents 3 & 4, as early as on 10.01.2017. Based on the representation, the third respondent/The Tahsildar, Srivilliputhur inspected the property and submitted a report to the fourth respondent. But, the fourth respondent has not taken any steps to remove the encroachments. Hence, the petitioner has filed the present writ petition for the aforesaid prayer.

3. The respondents 5 & 6 filed a counter affidavit stating that they were not served with any notice with regard to the so called encroachment and hence, they sought for dismissal of the writ petition.

4. We have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 & 6.

5. In view of the submissions made by both sides and by considering the facts and circumstances of the case, we are constrained to pass the following orders:-

"The fourth respondent is directed to issue notice to the respondents 5 & 6 and thereafter, by affording an opportunity of personal hearing and pass an appropriate order with regard to alleged encroachment made in Survey No.488/11, Achankulam Village, Srivilliputhur Panchayat Union, Srivilliputhur Taluk, Virudhunagar District encroaching the drainage channel. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order."



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

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Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi Division,
Virudhunagar District.
3. The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.
4. The Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur,
Virudhunagar District.

+1cc to M/s. Solaisamy, Advocate Sr.No. 96511
+1cc to M/s. C. Senthilmurugan, Advocate Sr.No. 96613
+1cc to SPL. Govt. Pleader, Sr.No. 96323

AM

KM/PM/SAR2/17.12.2018/3P/8C

ORDER MADE IN
W.P (MD) No. 2125 of 2018
20.11.2018