



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P (MD) No.2260 of 2018

and

W.M.P (MD) No.2483 of 2018

K.R.Santha

.. Petitioner

Vs.

1.The Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Palayamkottai Division,
Tirunelveli District, Tirunelveli.

3.The Tahsildar,
Palayamkottai Division,
Tirunelveli District,
Tirunelveli.

4.The Assistant Engineer PWD Works,
Tirunelveli Channel Section,
Palayamkottai, Tirunelveli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents, more specifically, the fourth respondent, from removing the foot bridge in T.S.No.520, Sindupoondurai Village, Tirunelveli District, pending enquiry in Na.Ka.No.A1/5712/2006 pursuant to the orders in W.P(MD)No.12137 of 2013, 29.07.2013.

For Petitioner

: Mr.P.Solomon Francies

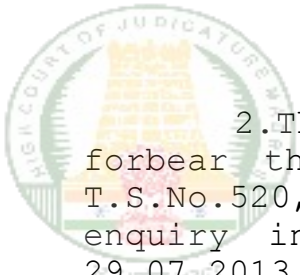
For Respondents

: Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.P.Solomon Francies, learned counsel appearing for the petitioner as well as Mr.D.Muruganandam, learned Additional Government Pleader, appearing for the respondents.



2.The petitioner seeks for issuance of writ of mandamus to forbear the fourth respondent from removing the foot bridge in T.S.No.520, Sindupoondurai Village, Tirunelveli District, pending enquiry in Na.Ka.No.A1/5712/2006, pursuant to the order, dated 29.07.2013, made in W.P(MD)No.12137 of 2013.

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3.According to the petitioner, the petitioner donated certain extent of land for formation of a channel and over which, a foot bridge has been constructed, so that the public can come to the business premises of the petitioner, which has been constructed adjoining the channel. The petitioner would state that for foot bridge, lease rent is also being collected. It appears that the fourth respondent, namely, Assistant Engineer, Public Works Department, Tirunelveli Channel Section, Palayamkottai, Tirunelveli, has initiated action for removal of encroachments. The report submitted by the Tahsildar, Tirunelveli to the learned Additional Government Pleader, dated 04.02.2018, including the report of the Tahsildar, Tirunelveli, shows that there are six encroachers in the odai poromboke in the land comprised in Survey No.520, Block No.7, Ward No.11. The encroached area is shadowed as red in the plan annexed with the report.

4.The learned counsel appearing for the petitioner submitted that so far as the petitioner is concerned, the encroachment is only a mere extent. The Zonal Sub-Inspector of Survey, Tirunelveli Municipal Corporation, has prepared a list of encroachers, in which, the nature of encroachment put up by the petitioner is stated as பாலம் அமைத்து-. The extent is 25 square metres. Apart from the petitioner, there is one another person by name, Ayyamperumal, who has also erected a bridge and the extent of encroachment is 12 square metres. Apart from that, three other persons have encroached and it appears that there are standing coconut trees and the encroachment is quite a larger extent. The larger extent is around 938 square metres, by one Ramakrishnan, son of Alagumalaithevar.

5.In the light of the above facts, the respondents are directed to proceed further, pursuant to Form-II Notice issued by the fourth respondent. The petitioner is directed to submit reply/objections, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent shall conduct an enquiry and pass appropriate orders on merits and in accordance with law, within a period of three weeks therefrom. Till then, the small bridge erected across the channel, shall not be demolished.

6.The writ petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/



To

- 1.The Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Palayamkottai Division,
Tirunelveli District, Tirunelveli.
- 3.The Tahsildar,
Palayamkottai Division,
Tirunelveli District,
Tirunelveli.
- 4.The Assistant Engineer PWD Works,
Tirunelveli Channel Section,
Palayamkottai, Tirunelveli.

+One cc to The Special Government Pleader, SR.No.50558

+One cc to M/s.P.Solomon Francis, Advocate, SR.no.50135

smn

RL/7C/3P/SV/MMS/SAR2/13/3/2018

ORDER MADE IN
W.P (MD) No.2260 of 2018
and
W.M.P (MD) No.2483 of 2018

20.02.2018