



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

AND

THE HONOURABLE MRS. JUSTICE R. THARANI

W.P. (MD) No. 2586 of 2018

R. Pandiarajan

: Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Watrap Taluk
Virudhunagar District.
3. The Executive Officer,
Special Grade Town Panchayat,
Panchayat Office,
Watrap, Virudhunagar District.

4. Pandi
5. Ganesan
6. Krishnamoorthi
7. Karuppiah
8. Rose
9. Ramesh

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 3 to take appropriate action and to remove the encroachment made by the respondents 4 to 9 herein in Palangudi East Street, in Ward No.9, Watrap Town, Watrap Revenue Village, Srivilliputhur Taluk, Virudhunagar District on the basis of petitioner's representation dated 12.01.2018 and 23.01.2018 within the time stipulated by this Court.

For Petitioner	: Mr. P. M. Vishnuvarthanan
For Respondents	: Mr. M. Jeyakumar for R1 and R2
	Additional Government Pleader
	Mr. P. Ganapathi Subramaniam
	for R4 to R7
	No appearance for R3

ORDER

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

This Writ Petition has been filed to direct the respondents 1 to 3 to take appropriate action and remove the encroachment made by



the respondents 4 to 9 in in Ward No.9, Watrap Town, Watrap Revenue Village, Srivilliputhur Taluk, Virudhunagar District on the basis of petitioner's representations dated 12.01.2018 and 23.01.2018.

2. It is the case of the petitioner that property in S.No.476/2 measuring 1 acre 54 cents was originally belong to Veluchamy Chettiar and in the year 2004, the respondents 4 to 9 have purchased the same and now residing therein. The petitioner has also purchased a portion of the land vide registered document No.517/2011. While so, the respondents 4 to 9, who are the purchasers of the portion of the land in the said survey number, encroached the Palangudi East Street in Ward No.9, Watrap, Watrap Revenue Village. In this regard, the petitioner has given representations on 12.01.2018 and 23.01.2018 to the concerned authorities on behalf of the entire village people. But, none of the representations were considered. Hence, he is before this Court with this writ petition with the aforesaid prayer.

3. When the matter was taken up for hearing, the learned counsel for the respondents 4 to 9 submitted that it is absolute false to state that there is encroachment in S.No.476/2. However, the learned counsel for the petitioner as well as the learned counsel for the respondents 4 to 9 agreed to survey the land by the authorities with the relevant documents as well as title documents to find out as to whether there is encroachment or not.

4. In view of the said submission made, this Court is constrained to pass the following order:

"The second respondent is directed to conduct survey of the land in Ward No.9, with the relevant records and also title documents and on inspection, if the second respondent finds that there is any encroachment, he is directed to initiate action in accordance with law to remove the same. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order." No costs. The Writ Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Watrap Taluk,
Virudhunagar District.



3. The Executive Officer,
Special Grade Town Panchayat,
Panchayat Office,
Watrap, Virudhunagar District.

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+1cc to Spl.Government Pleader Sr.No.94742

RR

VB/BK/SAR1/10.12.2018/3P/5C

Order made in
W.P. (MD) No.2586 of 2018
Dated: 09.11.2018