

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :15.03.2018

CORAM:

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

W.P (MD) No.5453 of 2018

Malaichamy

... Petitioner

Vs.

1. The District Collector,
Virudhuanagar District, Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Tahsildhar,
Taluk Office, Tiruchuli,
Virudhunagar District.

- 4.Marimuthuthu
- 5.Raman

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the illegal encroachment made by the fourth and fifth respondents in Survey No.20/22 at Padhanakurichi Village and take necessary legal action in accordance with law, in the light of the petitioner's final representation dated 12.02.2018.

For Petitioner : Mr.R.Murugan

For R-1 to R-3 : Mr.A.Muthukaruppan,
Additional Government Pleader

O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

By consent, the main Writ Petition itself is taken up for final disposal.



2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

3. The petitioner claims to be an agriculturist and also a resident of Padhanakurichi, Veeracholan Post, Tiruchuli Taluk, Virudhunagar District and according to him, the land in Survey No.20/22 admeasuring to an extent of 665 sq.m. up to Padhanakurichi, is classified as Government Poramboke and it is a means of having access to Adi Dravidar Colony, Padhanakurichi. It is the specific case of the petitioner that the respondents 4 and 5 had encroached upon the said land and also planted a Neem tree. The representation submitted in this regard failed to evoke any action by the official respondents, the petitioner came forward to file this writ petition.

4. Heard the submission of Mr.R.Murugan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 3.

5. This Court, taken into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representation or in this writ petition, directs the third respondent to cause inspection of the land in Survey No.20/22 at Padhanakurichi Village, after putting a notice to the petitioner and the respondents 4 and 5, within a period of four weeks from the date of receipt of a copy of this order, and depending upon the result of the inspection / survey, shall take appropriate action to remove the encroachment if any found on the said land, within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the respondents 4 and 5.

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

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District, Virudhunagar.

<https://hcservices.courtservice.gov.in/>
2. The District Collector,
Aruppukottai,
Virudhunagar District.



3. The Tahsildhar,
Taluk Office, Tiruchuli,
Virudhunagar District.

+ 1 cc TO Mr.R.Murugan , Advocate in SR No. 56104

+ 1 cc TO The Special Government Pleader in SR No. 55973

akv

AE/SKN RSK/SAR1/16.04.2018/3P/6C

W.P. (MD) No.5453 of 2018
15.03.2018