



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2018

CORAM:

THE HON'BLE Mr. JUSTICE R.SUBBIAH
AND
THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD) No.9037 of 2018

R.Vijayalakshmi

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub Collector,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.
- 4.The Block Development Officer,
Paramakudi Union,
Paramakudi,
Ramanathapuram District.
- 5.Narayanaraj
- 6.Muniaraj
- 7.Janarthanan
- 8.Rengaraj
- 9.Ragavan
- 10.Govindaraj
- 11.Guppusamyraj
- 12.Chandran
- 13.Jegannathan
- 14.Alagarsamyraj
- 15.Ramamoorthy

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment, encroached by the respondents 5 to 15 in the pathway in Survey Nos.204/9, 205 and 205/14 in Muthuramalingampuram Village, Melakaavanur Revenue Birka Paramakudi Taluk, as per the proceedings of the respondents 1 and 2, dated 15.02.2018, 02.03.2018 and 14.03.2018 and further direct to take



appropriate action against the encroachers within the time limit prescribed by this Court.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.P.Sethuraman, Spl.G.P. for R1 to R3

Mr.D.Senthil for R5,R6,8 to 15

WEB COPY

ORDER

(Order of the Court was made by R.SUBBIAH,J.)

This Writ petition has been filed to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made by the respondents 5 to 15 in the pathway in Survey Nos.204/9, 205 and 205/14 at Muthuramalingampuram Village, Melakaavanur Revenue Birka Paramakudi Taluk, in view of the proceedings of the respondents 1 and 2, dated 15.02.2018, 02.03.2018 and 14.03.2018 and also to take appropriate action against the encroachers within a time frame.

2.It is the case of the petitioner that he is residing in the above said Village. The land in Survey Nos.204/9, 205 and 205/14 are used as village common road. The villagers in Muthuramalingampuram Village were using the land as pathway. In such a situation, the respondents 5 to 15 have encroached the said pathway and constructed a house, a hut and also a toilet. When the same was questioned by the petitioner and others, the respondents 5 to 15 have attacked and abused the petitioner and his family members. Hence, the petitioner has made representations to the respondents 2 to 4 on 09.02.2018 and 19.02.2018. In response to the same, the first respondent by a proceedings dated 02.03.2018 directed the fourth respondent to take appropriate action for removing such encroachment as per G.O.Ms.No.540 (Revenue Department), dated 04.12.2013.

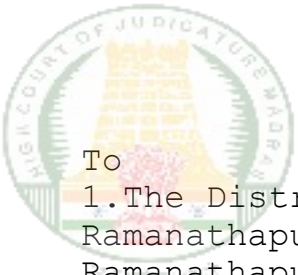
3.Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.D.Senthil, learned counsel appearing for the respondents 5, 6, 8 to 15.

4.After hearing the arguments on either side, the respondents 2 and 3 are hereby directed to conduct a survey with field map and other relevant documents, if any and if the above said land is encroached, the respondents 2 and 3 shall initiate necessary action to remove such encroachment in accordance with law. The entire exercise shall be completed, within a period of 8 weeks from the date of receipt of a copy of this order. Accordingly, this Writ petition is disposed of. No costs.

SD/-

ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

4.The Block Development Officer,
Paramakudi Union,
Paramakudi,
Ramanathapuram District.

+1 CC TO MR.K.C.RAMALINGAM, ADVOCATE IN SR.NO.95020.

+1 CC TO MR.D.SENTHIL, ADVOCATE IN S.R.NO.95087.

NBJ

DS SKN SAR2 21 12 2018 3P 7C

W.P. (MD) No.9037 of 2018
13.11.2018