



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.[MD]No.22050 of 2018

and

W.M.P.[MD]No.20004 of 2018

D.Sriram

: Petitioner

Vs.

1. The District Collector,
Tirunelveli,
Tirunelveli District.

2. The Tahsildar,
Thiruvengadam Taluk,
Tirunelveli District.

3. The Inspector of Police,
Kuruviikulam Police Station,
Tirunelveli District.

4. Jeyasingh

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in S.No.185/2 in Malaiyankulam Village, Thiruvengadam Taluk, Tirunelveli District.

For Petitioner : Mr.R.J.Karthick

For Respondents 1 to 3 : Mr.D.Muruganantham
Additional Government Pleader

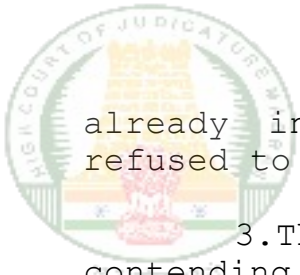
For Respondent No.4 : Mr.K.Guhan

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition to direct the second respondent to remove the encroachment stated to have been caused on the public property by the fourth respondent, more particularly in Survey No.185/2 of Malaiyankulam Village, Thiruvengadam Taluk, Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/> returned Additional Government Pleader, on instructions, submitted that the fourth respondent is in occupation of a cart track which is in Survey No.185/2, and that the Tahsildar has



already initiated proceedings. However, the fourth respondent refused to receive the notice.

3.The fourth respondent has filed a counter affidavit, contending that he is not in occupation of the public property. According to the fourth respondent, the petitioner is also in possession of the public property and as such, action should be taken against him also.

4.We direct the Tahsildar, Thiruvengadam Taluk, Tirunelveli District, to cause inspection of the cart track, after issuing notice to the alleged encroachers, including the fourth respondent. In case, it is found that the petitioner is also an encroacher, notice should be issued to him also for removal of such encroachment. The Tahsildar is directed to conclude the entire process as expeditiously as possible, and in any case, within a period of four [4] months from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of, with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Tahsildar,
Thiruvengadam Taluk,
Tirunelveli District.
3. The Inspector of Police,
Kuruvikulam Police Station,
Tirunelveli District.

+1cc to Mr.R.J.Karthick, Advocate Sr.No.97414
+1cc to SPL.Govt.Pleader, Sr.No.97450
+1cc to Mr.K.Guhan, Advocate Sr.No.97127

MR

KM/BK/SAR3/17.12.2018/2P/7C