



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.21993 of 2017

Muniyappan

... Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.
2. The District Revenue Officer,
Karur District,
Karur.
3. The Revenue Divisional Officer,
Karur Revenue Division,
karur.
4. The Tahsildar,
Manmangalam Taluk,
Manmangalam,
Karur District.
5. Chelladurai
6. Rajangam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth respondent to remove the encroachment made by the respondents 5 and 6 in S.No.1693/1, Andankovil Eastern Portion, Manmangalam Taluk, Karur District, in the light of the petitioner's representation, dated 06.10.2017.

For Petitioner : Mr.P.Santhana Krishnan

For R1 to R4 : Mr.D.Muruganandam
Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/> For R5 & R6 : Govindarajan

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.P.Santhana Krishnan, learned counsel for the petitioner, Mr.D.Muruganandam, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.K.Govindarajan, learned counsel for the respondents 5 and 6.

2. The petitioner seeks for issuance of a direction to the fourth respondent to remove the encroachment made by the fifth and sixth respondents in Survey No.1693/1, Andankovil Eastern Portion, Manmangalam Taluk, Karur District, by considering his representation, dated 06.10.2017.

3. After the notice was ordered in the writ petition, it is seen that the Thasildar has already initiated action and show cause notice, dated 12.01.2018, has been issued to the respondents 5 and 6. Apart from that, the Thasildar has also filed a counter setting out the facts.

4. The Court heard the learned counsel for the parties in full.

5. The factual position appears to be that the lands in Survey No.1693 is classified as 'Vandipathai' poramboke in the revenue records having a total extent of 1.30 hectares. The said land has been sub-divided as Survey No.1693/1, measuring an extent of 1.15.5 hectares and the classification as 'Vandipathai' was retained for the said extent. Further, sub-division viz., Survey No.1693/2 measuring an extent of 0.14.5 hectares was classified as Natham Poramboke and free house site Patta was granted to the respondents 5 and 6, vide proceedings of the fourth respondent, dated 29.12.2010.

6. The question would be as to whether the respondents 5 and 6 have constructed the house in the plot allotted to them. In the normal circumstances, the Court would have directed the authorities to proceed to decide the issue as show-cause notice has already been issued. However, in the present case, such exercise is not required, since the parties have appeared and made their submissions supported by records.

7. The respondents 5 and 6 have produced the sketch, which has been enclosed along with the allotment order, which shows that where the plot is located. When this sketch is compared with the sketch produced by the Tahsildar in the typed set of papers, it is seen that the plot allotted to the petitioner is located in the area shaded as green. This area is survey No.1693/2. Therefore, it is clear that the respondents 5 and 6 have constructed the house not in the land which has been allotted to them, but in Survey No.1693/1, which is classified as Vandipathai. Therefore, the fourth respondent has to proceed to vacate them in accordance with law.



8. With the above observation, the writ petition stands disposed of and the fourth respondent is directed to proceed further in pursuance to the notice, dated 12.01.2018, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District,
Karur.
2. The District Revenue Officer,
Karur District,
Karur.
3. The Revenue Divisional Officer,
Karur Revenue Division,
karur.
4. The Tahsildar,
Manmangalam Taluk,
Manmangalam,
Karur District.

+2CC to Mr.P.Santhana Krishnan, Advocate, SR.No. 50792

+1CC to Mr.K.Govindarajan, Advocate, SR.No. 51472

+1CC to the Special Government Pleader SR.No.51333

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AM/SKN RSK/SAR 4/16.03.2018/3P/9C