



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM:

WEB COPY

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

W.P (MD) No.11774 of 2016

M.Prasad

.. Petitioner

Vs.

1. The District Collector,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.
3. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

.. 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 to evict the encroachment from the grazing ground in S.No.35 of Mangudi Village, Aranthangi Taluk, Pudukkottai, on the basis of the petitioner's representation, dated 31.03.2016 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.M.Murugan,
Government Advocate.

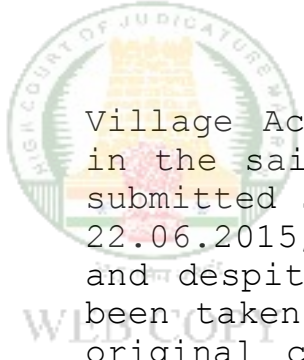
ORDER

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

By consent, this writ petition is taken up for final disposal.

2.Mr.M.Murugan, learned Government Advocate, appears on behalf of the respondents.

3.The writ petition is styled as a "Public Interest Litigation", filed by a resident of Mangudi Village, Povvatrakudi Post, Aranthangi Taluk, Pudukkottai District, alleging that the land in Survey No.35 of the said Village, admeasuring to an extent of 3.41.5 Hectares is classified as "Grazing Ground" in the



Village Accounts and there are very many encroachments tookplace in the said land and the petitioner, from the year 2015 onwards, submitted series of representations, dated 27.01.2015, 27.02.2015, 22.06.2015, 11.07.2015 and 13.02.2016 and finally on 31.03.2016 and despite receipt and acknowledgment, no action whatsoever has been taken to remove the encroachment and restore the land to the original condition and as a consequence, the cattle/herd in the said Village is unable to graze for want of grazing ground and hence, he came forward to file this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to G.O.(Ms)No.540, Revenue [LD6 (2)] Department, dated 04.12.2014, and would submit that in the light of the orders passed in W.P.No.26722 of 2013, guidelines have been framed for removal of encroachment and though all the official respondents are very well aware of the said Government Order, absolutely no action has been taken to remove encroachment and every time, the aggrieved individual has to approach this Court for removal of encroachment and prays for appropriate orders.

5.This Court heard the submission of the learned Government Advocate, appearing for the respondents, who would submit that the representation submitted by the petitioner in this regard, will be considered and given a disposal, in accordance with law, at an early date.

6.This Court has considered the rival submissions and also perused materials placed before it.

7.This Court, taking into consideration the above facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, directs the third respondent to put the encroachers on notice and cause inspection of the land in Survey No.35 of Mangudi Village, said to be classified as "Grazing Ground" within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take appropriate action for removal of encroachment, within a further period of eight weeks, in accordance with law, thereafter, communicate the decision taken, to the petitioner as well as to the encroachers, if any.

8.The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Crl.side)



To

1. The District Collector,
Pudukkottai District.

2. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

3. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43668

+ 1 CC TO Mr.K.BALASUNDHARAM, ADVOCATE IN SR No. 43363

SMN

TE/KK/SAR-4 : 05/02/2018 : 3P/6C

ORDER MADE IN
W.P (MD) No.11774 of 2016
22.01.2018