



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

and

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.19137 of 2018

C.Pounraj

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

3.The Tahsildar,
Budalur Taluk,
Thanjavur District.

4.Durairaj

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey No.89, Rayamundanpatti Circle, Budalur Taluk, Thanjavur District, based on the petitioner's representation dated 11.06.2018 as well as in the light of memo issued by the first respondent in Na.Ka.No.H2/14585/2018, dated 29.06.2018 and the second respondent in O.Mu.No.3982/2018/A2, dated 20.06.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.V.R.Shanmuganathan

1 to 3

Special Government Pleader

COMMON ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner, claiming to be an agriculturist having 5 acres 77 cents of land in Survey No.90/2 at Rayamundanpatti Circle,



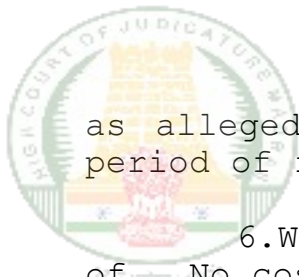
Budalur Taluk, Thanjavur District, has come to this Court seeking Writ of Mandamus to direct the respondents to remove the encroachment made in Survey No.89 at Rayamundanpatti Circle, Budalur Taluk, Thanjavur District, based on his representation dated 11.06.2018 and in the light of memos issued by the first respondent in Na.Ka.No.H2/14585/2018, dated 29.06.2018 and another communication issued by the second respondent in O.Mu.No.3982/2018/A2, dated 20.06.2018, within a stipulated time.

2.Heard Mr.G.Thalaimutharasu, learned Counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3.

3.In support of his prayer, the learned Counsel appearing for the petitioner submitted that the only source of income for the petitioner's family is agricultural income from the agricultural land which is surrounded by pattadhars on three sides and on the eastern side, Government poramboke land in Survey No.89 having an extent of 15 acres is situated which is also classified as a grazing land. The said poramboke land is the only pathway for the petitioner to have access to his agricultural land. Since a group of people belonging to a political party viz., Thamizh Desiya Pothu Udamai Katchi, have encroached on the entire extent of land viz., 5 acres of land situated in Survey No.89 and trying to fence the same, the petitioner was unable to cultivate the land by bringing fertilizer, seeds and other agricultural equipment to his land by tractor or bullock cart. Hence, he has given a representation to the District Collector, Thanjavur and also to the Revenue Divisional Officer, Thanjavur, the respondents 1 and 2 herein, on 11.06.2018 requesting them to consider the removal of encroachment made in the aforementioned Survey No.89.

4.At this stage, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 by producing the original copy of 'A' Register supporting the prayer of the petitioner, made a submission that Survey No.89/1 is only Vaari poramboke.

5.We are able to see the 'A' Register, 8-Rayamundanpatti Circle, Budalur Taluk, Thanjavur. May be for the reason that the petitioner's request was supported by 'A' Register, both the respondents 1 and 2 also have issued communication to the third respondent Tahsildar to take stock of the position and do the needful, if there is any encroachment. As there is no development on the repeated letter issued by the District Collector, Thanjavur and the Revenue Divisional Officer, Thanjavur to the Tahsildar, the third respondent herein, we find notice to the fourth respondent is unnecessary at this stage. Accordingly, the third respondent herein is directed to comply with the communication issued by the District Collector, Thanjavur and the Revenue Divisional Officer, Thanjavur, forthwith after giving reasonable opportunity to the fourth respondent and if there is any encroachment found in Survey No.89/1



as alleged by the petitioner, the same shall be removed within a period of four weeks and reported before this Court.

6. With the above direction, this Writ Petition is disposed of. No costs.

For reporting compliance post after four weeks.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

SRM

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
3. The Tahsildar,
Budalur Taluk,
Thanjavur District.

+1CC to Mr. G. Thalaimutharasu, Advocate in SR No. 82215

+1cc to Spl Government Pleader SR No. 82523

W.P. (MD) No. 19137 of 2018

NM/SV/SAR 4/19.12.2018/3P/6C