



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.11.2018

CORAM:

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

W.P. (MD) No. 21127 of 2018
and
W.M.P. (MD) No. 18942 of 2018

K.Muthu

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Taluk Office,
Tiruvengadam,
Tirunelveli District.

3. The Executive Officer,
Tiruvengadam Town Panchayat,
Tiruvengadam,
Tirunelveli District.

4. Rajalakshmi

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent by way of putting unauthorized / illegal construction in public pathway in Survey No. 1440/17 and 1440/15 situated at Tiruvengadam Village, Tirunelveli District on the basis of the petitioner's representation dated 22.09.2018.

For Petitioner : Mr. P. M. Vishnuvardhanan
For Respondents : Mr. R. Sethuraman, Spl. G. P. for R1 and R2
Mr. M. Rajarajan for R3
Mr. B. Chandran for R4

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 1 to 3 to remove the encroachment made by the 4th respondent by way of putting up a



construction in public pathway in Survey No.1440/17 & 1440/15 at Tiruvengadam Village, Tirunelveli District on the basis of the petitioner's representation dated 22.09.2018.

2.The case of the petitioner is that as per the revenue records, the land in Survey Nos.1440/17 and 1440/15 at Tiruvengadam Village, Tirunelveli District is a pathway. Whileso, the fourth respondent has encroached upon the said pathway by putting up residential building. After conducting survey, the second respondent found that the fourth respondent has encroached the said pathway and directed him to remove the same. Since no order has been passed by the respondents, the petitioner has sent a representation on 22.09.2018 to the respondents 1 to 3. No action has been taken by the respondents so far, and hence, the petitioner is before this Court with the present Writ petition.

3.Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2, learned counsel appearing for the third respondent and the learned counsel appearing for the fourth respondents.

4.The learned Special Government Pleader appearing for the respondents 1 and 2 has submitted that as per revenue records, the above said Survey No.1440/15 is classified as Gramanatham and there is no encroachment in the said land. But the learned counsel for the petitioner has denied the statement of the learned Special Government Pleader.

5.Be that as it may, the respondents 1 to 3 are hereby directed to issue notice to the fourth respondent and afford an opportunity of hearing to him and the interested party if any. Thereafter, the respondents 1 to 3 shall pass appropriate orders for removal of encroachment, if any, in the above said survey number in accordance with law. Such exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

6.This Writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Taluk Office,
Tiruvengadam,
Tirunelveli District.

3.The Executive Officer,
Tiruvengadam Town Panchayat,
Tiruvengadam,
Tirunelveli District.

- 1 CC TO Mr.P.M.VISHNUVARTHANA, ADVOCATE IN SR No.97826.
- + 1 CC TO Mr.B.CHANDRAN , ADVOCATE IN SR No.97576.
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- NBJ
- DS RSK SAR2 21 12 2018 3P 6C

W.P. (MD) No.21127 of 2018
29.11.2018