



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.P. [MD].No.19908 of 2013

M.Gandhi

: Petitioner

vs.

1. The District Collector,
Sivagangai District.
2. The Assistant Director (Village Panchayat),
Collectorate Complex,
Sivagangai.
3. The Block Development Officer,
O/o.Sivagangai Panchayat Union,
Sivagangai.
4. Tahsildar,
O/o.Sivagangai Taluk,
Sivagangai.
5. V.Chinnaiah

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider representation of the petitioner dated 01.04.2013 and 07.10.2013 consequently direct the respondents 1 to 3 to remove the encroachment of public road made by the fifth respondent in Survey No.24/14-H, situates at Arasani Muthupatti Village, Sivagangai District, on the basis of the direction issued by the fourth respondent vide his proceeding in O.Mu.P8/13157/13, dated 25.10.2013.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

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



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM,J.]

WEB COPY

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner, Mr.D.Muruganandam, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.J.Jeyakumaran, learned counsel appearing for the fifth respondent.

2. The petitioner has filed this writ petition to direct the respondents 1 to 3 to consider his representation, dated 01.04.2013 and 07.10.2013 and to direct the respondents 1 to 3 to remove the encroachment of public road alleged to have been made by the fifth respondent in the land comprised in Survey No.24/14-H, situated at Arasani Muthupatti Village, Sivagangai District.

3.The Tahsildar has sent a report to the third respondent, dated 25.10.2013 stating that based on the survey conducted in the area, there appears to be an encroachment and directed the third respondent to take action. We find, the communication has been sent only to the petitioner and the fifth respondent is the alleged encroacher. Therefore, straightaway the third respondent cannot proceeding against the fifth respondent, but it is required to conduct survey by the Survey Team in the presence of the fifth respondent.

4.In the light of the above, we dispose of the writ petition directing the third respondent to survey the entire area after notice to the petitioner and the fifth respondent with the assistance of the survey team and based on the survey, the third respondent shall proceed in accordance with law. No costs.

5.The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.accounts.gov.in/hcservices/>
1.The District Collector,
Sivagangai District.



2. The Assistant Director (Village Panchayat),
Collectorate Complex,
Sivagangai.

3. The Block Development Officer,
Sivagangai Panchayat Union,
Sivagangai.

4. The Tahsildar,
Sivagangai Taluk,
Sivagangai.

+ 1 cc TO Mr.D.Shanmugaraja Sethupathi , Advocate in SR No. 55393
+ 1 cc TO Mr.J.Jeyakumaran , Advocate in SR No. 55483
+ 1 cc TO The Special Government Pleader in SR No. 55652

am

AE/JC/SAR1/26.03.2018/3P/8C

WP (MD) No.19908 of 2013
14.03.2018