

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.27947 of 2018

D.Duraisamy

.. Petitioner

Vs

1 The District Collector
District Collectorate
Erode District - 638 011.

2 The District Revenue Officer
Collectorate Campus
Erode District - 638 011.

3 The Revenue Divisional Officer
Revenue Divisional Office
Brough Road
Erode District - 638 001.

4 The Tahsildar
Taluk Office
Perundurai
Erode District - 638 052.

5 C.Kandasamy .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the fourth respondent to remove all the encroachments, stones and waste garbage dumped by the fifth respondent in the Nilaviyal Paathai and survey the lands comprised in R.S.No.780/1 and 9, Karumandisellipalayam Vllage, Perundurai Taluk, Erode District after considering the representation of the petitioner dated 29.05.2018 and also 17.09.2018 in accordance with law expeditiously within a time frame.

For Petitioner : Mr.C.E.Pratap

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 to 4

Mr.K.T.S.Sivakumar
for 5th respondent

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.C.E.Pratap, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for respondents 1 to 4 and Mr.K.T.S.Sivakumar, learned counsel for the fifth respondent.

2. It is the case of the petitioner that encroachment has been put up by the fifth respondent in Nilaviyal Paathai. The petitioner is seeking directions to the fourth respondent to remove the said encroachment put up by the fifth respondent and survey the lands comprised in R.S.No.780/1 and 9, Karumandisellipalayam Vllage, Perundurai Taluk, Erode District.

3. The learned Government Pleader (i/c.) has filed a status report on behalf of the respondents. In the status report dated 22.3.2019, it is stated that there is no encroachment put up by the fifth respondent, however, there is encroachment in the said area by one K.Sudhakar, son of A.Krishnamoorthy, who has encroached upon an extent of 4 sq. mtrs. It is stated that a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 has been issued to A.Krishnamoorthy, who is father of K.Sudhakar, however, K.Sudhakar has filed a suit in the Court of the District Munsif cum Judicial Magistrate of Perundurai in O.S.No.150 of 2018, which is pending disposal. In the said suit, necessary written statement has also been filed by the Taluk Tahsildar, Perundurai Taluk, Erode District, who has since been impleaded as the third defendant in the said suit. The proceedings in the suit are being keenly pursued by the fourth respondent herein, i.e., the Tahsildar, Taluk Officer, Perundurai Taluk. The learned Government Pleader (i/c.) stated that thereafter the authorities will take action in accordance with law.

4. In view of the status report and the statement made by the learned Government Pleader (i/c.), nothing further survives for adjudication in this writ petition and the same is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The District Collector
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- 4 The Tahsildar
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Perundurai
Erode District - 638 052.

+1cc to Mr.C.E.Pratap , Advocate SR.No.38579(08/07/2019)

+1cc to Mr.K.T.S.Sivakumar , Advocate SR.No. 38578

+1 cc to Government Pleader Sr.No. 38788

A.SK(03/06/2019)

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