

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.31848 of 2018

R.Nagarathinam

.. Petitioner

v.

- 1 The District Collector
Tirupur District, Tirupur
- 2 The Sub Collector
Tirupur Division
Kumaran Road, Tirupur
- 3 The Tahsildar
Palladam Taluk, Palladam
Tirupur District
- 4 The Commissioner
Paladam Municipality, Palladam
Tirupur District
- 5 Lakshmanan
- 6 Karuppusamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 3rd respondent to comply with the direction issued by the 1st respondent herein in O.Mu. No. 10433/2017/A3 dated 23.6.2017 for removal of the encroachments made by the 5th and 6th respondents herein on Vadamalaigounder Lane in Ward No.6, Pachapalayam within Palladam Municipality, Tirupur District.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents: Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
- for R1 to R4
Mr. T.Balachandran - for R5 & R6

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondent No.3 to comply with the direction issued by the respondent No.1 dated 23.6.2017 for removal of the encroachments made by the respondent Nos. 5 and 6 on Vadamalaigounder Lane in Ward No.6, Pachapalayam, Palladam Municipality, Tirupur District.

2. It is the case of the petitioner that the respondent Nos. 5 and 6 have encroached a portion of the land in the above mentioned lane.

3. The learned Government Pleader (i/c), who is appearing for the respondent Nos. 1 to 3, submitted that the respondent No.3 by his letter dated 24.01.2009 informed him that the land in question was measured on 24.01.2019 and found that there is 8 sq.mt. encroachment in S.F.No.870/14 Natham, i.e. the Lane, by the respondent Nos. 5 and 6 and the Tahsildar has also enclosed the Surveyor Report along with the letter dated 24.01.2019.

4. Since the respondent No.3 has measured and found that the respondent Nos.5 and 6 have encroached 8 sq.mt. in S.F.No.870/14, it is clear that they are taking necessary steps for removing the encroachment, in accordance with law.

5. In this view of the matter, we are of the view that no further directions need be given to the respondent No.3. However, we make it clear they shall proceed further, in accordance with law, for removal of the encroachment made by the respondent No.5 and 6.

With these observations, the Writ Petition is disposed of.
No costs.

Rj

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector
Tirupur District, Tirupur
- 2 The Sub Collector
Tirupur Division
Kumaran Road, Tirupur
- 3 The Tahsildar
Palladam Taluk, Palladam
Tirupur District
- 4 The Commissioner
Paladam Municipality, Palladam
Tirupur District

+1cc to Mr.P.M.Duraiswamy, Advocate, S.R.No.13560
+1cc to Mr.T.Balachandran, Advocate, S.R.No.13709
+1cc to the Government Pleader, S.R.No.14065

W.P. No.31848 of 2018

Kak(18/03/2019)