



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD) .No.17308 of 2018 and

WMP(MD) .No.16645 of 2018

Kandasamy

: Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Revenue Divisional Officer,
Srirangam,
Trichy District.

3.The Tahsildar,
Marungapuri Taluk,
Trichy District.

4.Palaniyandi

5.Kandamsamy Chettiar

6.Mathivanan

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent herein to remove the illegal encroachment made by the 4th to 6th respondent herein on the school property comprised in S.No.247 situated at Thethoor Village, Trichy District on the basis of letter No.O.Mu/A3/1247/2017 dated 03.05.2017 issued by the second respondent.

For petitioner : Mr. B. Jameel Arasu

For Respondents : Mr. Ayiram K. Selvakumar(R1 to R3)
Additional Government Pleader
Mr.A.N.Ramanathan(R4 and R6)

ORDER

(Order of this Court was made by K.KALYANASUNDARAM, J.,)

The petitioner has come forward with this Writ Petition for issuing a Writ of Mandamus directing the third respondent to remove the encroachment made by the respondents 4 to 6 on the property comprised in S.No.247 situated at Thethoor Village, Trichy District.



2. The petitioner would claim that the private respondents have encroached upon the land, which belongs to the school.

3. Heard Mr. B. Jameel Arasu, learned counsel appearing for the petitioner and Mr. Ayiram K. Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.A.N. Ramanathan, learned counsel appearing for the respondents 4 and 6.

4. Despite the receipt of notice and the name of the 5th respondent appears in the cause list, none appeared for him.

5. The learned counsel appearing for the respondents 4 and 6 would submit that the land was gifted by their forefathers and even at the time of executing the gift deed, the said buildings were in existence and now, they are in dilapidated condition.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the third respondent has received the representation of the petitioner and is ready to take action in accordance with law.

6. In the light of the prayer sought for in the Writ Petition and the submissions of the learned counsels, this Court without going into the merits of the case, directs the third respondent to take action in accordance with law, after providing an ample opportunity to all the necessary parties, within a period six months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Revenue Divisional Officer,
Srirangam,
Trichy District.



3.The Tahsildar,
Marungapuri Taluk,
Trichy District.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-52210[F] dated
07/03/2019)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-52159[F] dated 07/03/2019
)

+1 CC to M/s.SPL GP (SR-52256[F] dated 07/03/2019)

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WMP(MD).No.16645 of 2018

06.03.2019

KK/SAR-/18.03.2019/3P-7C

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