



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.3456 of 2019

K.Anthony

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District.

2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3. The Block Development Officer,
Kalakad Panchayat Union,
Kalakad,
Tirunelveli District.

4. Dharmaraj

... Respondents

Prayer:- The 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 remove the encroachment made by the fourth respondent in Survey No.498/9 of Sooraputhukulam, Singikulam Old Village and Post, Nanguneri Taluk, Tirunelveli District.

For Petitioner	: Mr.C.K.M.Appaji
For R1 & R2	: Mr.V.R.Shanmuganathan Special Government Pleader
For R3	: Mr.R.Murugan
For R4	: Mr.T.Selvam

O R D E R

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

The petitioner has come forward with the writ petition seeking issuance of writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Survey No.498/9 at Sooraputhukulam, Singikulam Old Village and Post, Nanguneri Taluk, Tirunelveli District.



2. According to the petitioner, the fourth respondent has made an encroachment in a street which runs in Survey No.498/9.

3. On instructions, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 would state that the third respondent has already issued a letter to the second respondent to conduct a Survey on 20.06.2018. The second respondent has to conduct a survey in the public street.

4. Mr.T.Selvam, learned counsel appearing for the fourth respondent would state that in respect of the issue, two suits are pending before the civil Court.

5. Considering the nature of the prayer sought for in the writ petition and the submissions of the learned counsel on either side, this Court directs the second respondent to conduct a survey in S.F.No.498/9 in the presence of the petitioner and the fourth respondent and if there is any encroachment, the respondents 2 and 3 shall take follow up action in accordance with law, to remove the encroachment. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Tirunelveli District.
2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
3. The Block Development Officer,
Kalakad Panchayat Union,
Kalakad, Tirunelveli District.

+1CC TO MR.C.K.M.APPAJI, Advocate Sr. No.53510
+1CC TO MR.T.SELVAN, Advocate Sr. No.53814
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 53963

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