



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KALYANASUNDARAM**

and

THE HONOURABLE **MRS.JUSTICE T.KRISHNAVALLI**

W.P. (MD) No.353 of 2019

Rengasamy

...Petitioner

/Vs./

1.The District Collector,
Dindigul District.

2.The Tashildar,
Oddanchatram Taluk,
Dindigul District.

3.The Block Development Officer,
Thoppampatti Panchayat Union,
Dindigul District.

4.Velusamy

5.Karuppusamy

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents more particularly the respondents 2 and 3 to do proper survey of the cart-tract in Survey No.27, situated at Viralikottai village and remove the encroachments made by the respondents 4 and 5 in Survey No.27, Viralikottai village, Oddanchatram Taluk, Dindigul District within a time frame.

For Petitioner

: Mr.D.Venkatesh

For R-1 to R-3

: Mr.Aayiram K.Selvakumar

Additional Government Pleader

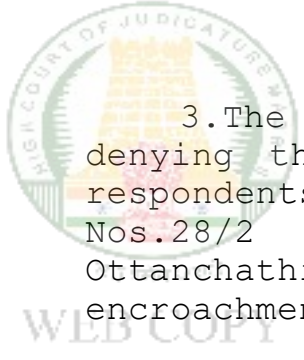
For R-4 & R-5

: Mr.G.Prabhu Rajadurai

ORDER

The present writ petition has been filed for issuance of writ of Mandamus directing the respondents 2 and 3 to do proper survey of the cart-tract in Survey No.27, situated at Viralikottai village and remove the encroachments made by the private respondents 4 and 5.

2.The case of the petitioner is that he is having agriculture lands in Survey Nos.20/1A, 20/1B and 20/1C in Viralikottai Village and for approaching the lands he has been using the cart-tract formed in Survey No.27. The allegation of the petitioner is that respondents 4 and 5, who are brothers, have encroached upon the public road.



3.The respondents 4 and 5 have filed a detailed counter denying the averments made in the affidavit. According to the respondents 4 and 5, they are the owners of the lands in Survey Nos.28/2 and 29/2, situated in Viralikkottai Village, Ottanchathiram Taluk, Dindigul District and there is no encroachment made by them in Survey No.27.

4.Learned Additional Government Pleader would submit that the second respondent is ready to conduct a Survey in Survey No.27 also.

5.Considering the grievance expressed by the petitioner and the relief sought for in the writ petition, this writ petition is disposed of directing the second respondent to conduct a survey in Survey Nos.27, 28 and 29 of Viralikkottai Village, Ottanchathiram Taluk, Dindigul District. If there is any encroachment made in Survey No.27, the second respondent is directed to remove the same by following the procedure established by law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this orders. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Dindigul District.

2.The Tashildar,
Oddanchatram Taluk,
Dindigul District.

3.The Block Development Officer,
Thoppampatti Panchayat Union,
Dindigul District.

+1 CC to M/s.SPL GP (SR-62128[F] dated 24/04/2019)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-62021[F] dated 24/04/2019)

+1 CC to M/s.D.VENKATESH, Advocate (SR-62288[F] dated 24/04/2019)

rj2

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