



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD) No.4319 of 2019

C.Rasu

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Ramanathapuram District

4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

5.Thirunavukkarasu

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the fifth respondent in the public street in Survey No.294/13, Keelamaangundu Village, Erattaiyoorani Group, Ramanathapuram Taluk, Ramanathapuram District, within a time limit that may be stipulated by this Court.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Pandiarajan, AGP for R1 to R4
Mr.M.Mohamed Sherbudeen for R5

ORDER

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

The petitioner has filed this Writ petition for issuing a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in public street in Survey No.294/13 at Keelamaangundu Village, Erattaiyoorani Group, Ramanathapuram Taluk, Ramanathapuram District, within a time limit that may be stipulated by this Court.



2. Heard Mr.J.Barathan, learned counsel for the petitioner, Mr.M.Pandiarajan, learned Additional Government Pleader for the respondents 1 to 4 and Mr.M.Mohamed Sherbudeen, learned counsel for the fifth respondents.

3. The grievance of the petitioner is that the fifth respondent has made encroachment in the public street in Survey No.294/13 and despite representation, no action was taken by the official respondents.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 would state that based on the representation of the petitioner, a notice dated 27.02.2019 under Section 7 of the Tamil Nadu Land Encroachment Act, was issued to the fifth respondent and they will take further action in accordance with law.

5. It is contended by the learned counsel for the fifth respondent that there is a private dispute between the petitioner and the mother of the fifth respondent and an appeal before the Revenue Divisional Officer is pending.

6. Considering the limited scope of the prayer sought for in this Writ petition, this Court, without going into the merits of the matter, directs the fourth respondent to take appropriate action on the representation of the petitioner and notice dated 27.02.2019 and pass necessary orders, within a period of three months from the date of receipt of a copy of this order after providing opportunity to all the necessary parties.

7. With the above direction and observation, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The District Revenue Officer,
Ramanathapuram District.

3. The Revenue Divisional Officer,
Ramanathapuram District



4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

+1CC TO MR.M.MOHAMED SHERBUDEEN, Advocate Sr. No.56668

+1CC TO MR.T.R.JEYAPALAM, Advocate Sr. No.56191

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TR (15.04.2019) 3P 7C