



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

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

THE HONOURABLE MRS. JUSTICE R. THARANI

Writ Petition (MD) No. 5080 of 2019

R. Shanmugasundaram

.. Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The District Revenue Officer,
Madurai District.

3. The Thasildhar,
Madurai North Taluk,
Madurai District.

4. The Executive Officer,
Paravai Town Panchayat,
Paravai, Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents 3 and 4 to remove all the encroachments in the street comprised in Natham Sy. No. 246/6 in Oormetchikulam Village in Parvai II Bit in Madurai North Taluk in Madurai District within a time to be fixed by this Court.

For Petitioner : Mr. R. Suriya Narayanan

For Respondents : Mr. Ayiram K. Selvakumar

Addl. Govt. Pleader
for RR-1 to 3

Mr. A. K. Baskara Pandian

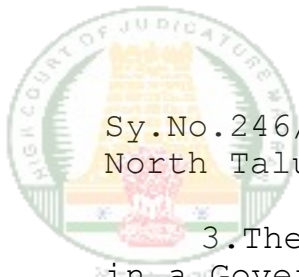
Special Govt. Pleader for R-4

ORDER

[Order of the Court was made by **K. KALYANASUNDARAM, J**]

By consent, the writ petition is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The petitioner has come forward with this writ petition for issuance of Writ of Mandamus to direct the respondents 3 and 4 to remove all the encroachments in the street comprised in Natham



Sy.No.246/6 in Oormetchikulam Village in Parvai II Bit in Madurai North Taluk, Madurai District within a time frame.

3.The petitioner would state that he is working as a Teacher in a Government School and his house is situate in Sy.No.246/11 and 12. It is further stated that there is a north-south street in Sy.No.246/6, which is being used by the villagers for several years, but recently, in the said street, there are so many encroachments by the private parties. Hence he submitted a representation to the authorities. Since no action has been taken, the present writ petition has been filed.

3.Mr.R.Suriya Narayanan, learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is given to the fourth respondent to consider the representation of the petitioner.

4.Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the fourth respondent would state that the third respondent has to conduct a survey and if any encroachment is found out, as alleged by the petitioner, the fourth respondent is ready to remove the same.

5.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the third respondent is ready to conduct a survey, as per the representation of the petitioner.

6.In the light of the limited scope of the writ petition and also considering the submissions of the learned counsel on either side, this Court, without going into the merits of the matter, directs the third respondent to conduct a survey in the land in Sy.No.246/6 in Oormetchikulam Village in Parvai II Bit in Madurai North Taluk in Madurai District within a period of four weeks from the date of receipt of a copy of this order and submit a report to the fourth respondent.

7.It is to be noted that if encroachment is found out during the survey, such encroachers are to be removed as per Section 131 (2) of the Tamil Nadu Panchayat Act. The entire exercise shall be completed within a period of six months.

8.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T & P)

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To

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Thasildhar,
Madurai North Taluk,
Madurai District.

4.The Executive Officer,
Paravai Town Panchayat,
Paravai, Madurai District.

+1CC TO MR. R.SURIYANARAYANAN, Advocate Sr. No. 54026
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 54765

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TR (01.04.2019) 3P 7C