



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD).No.5177 of 2019

Rengasamy

... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Dindigul District.
2. The Tahsildar,
Dindigul West Taluk, Dindigul.
3. The Executive Officer,
Srirampuram Town Panchayat,
Srirampuram, Dindigul District.
4. Ravi
5. Vasambu @ Perumal

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to remove the encroachments made by the respondents 4 and 5 in the public pathway comprised in Survey No.908/1, Kariyagoundanpudur, Kodalvavi Village, Dindigul West Taluk, Dindigul District within the time stipulated by this Court and for other reliefs.

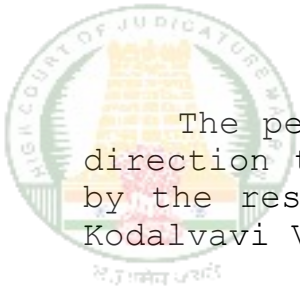
For Petitioner :Mr.J.Lawrance

For R1 & R2 :Mr.V.R.Shanmuganathan
Special Government Pleader

For R3 :Mr.A.K.Baskarapandian
Special Government Pleader

For R4 & R5 :Mr.RM.Arun Swaminathan

O R D E R



The petitioner has come forward with this writ petition seeking direction to the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in Survey No.908/1, Kariyagoundanpudur, Kodalvavi Village, Dindigul West Taluk, Dindigul District.

2. The case of the petitioner is that he is the owner of the land and building in Survey No.908/23 and the fourth respondent is the absolute owner of the house constructed in Survey No.908/24. The allegation of the petitioner is that the fourth respondent and fifth respondents have encroached upon the public pathway in Survey No.908/1 and his representation to the respondents were not responded properly.

3. Heard Mr.J.Lawrance, learned counsel for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader for the respondents 1 and 2, Mr.A.K.Baskarapandian, learned Special Government Pleader for the third respondent and Mr.RM.Arun Swaminathan, learned counsel for the respondents 4 and 5.

4. The learned counsel for the petitioner would state that based on the representation of the petitioner, the third respondent had requested the second respondent to conduct a survey. But so far no survey was conducted.

5. According to the learned counsel for the respondents 4 and 5, they have not made encroachment in the public pathway in Survey No.908/1.

6. The learned Special Government Pleader would state that the second respondent is ready to conduct a survey.

7. Considering the nature of the prayer sought for in the writ petition and the facts of this case and also the submissions of the counsels on either side, this Court, without going into the merits of the matter, directs the second respondent to conduct a survey of the properties in Survey Nos.908/23, 908/24, 908/25 and 908/1 and if any encroachment is found, the respondents 1 to 3 are directed to remove the same, by following the procedure established by law, after issuing notice to all necessary parties. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

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To

1.The District Collector,
Collectorate Building,
Dindigul District.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul.

3.The Executive Officer,
Srirampuram Town Panchayat,
Srirampuram, Dindigul District.

+1. C.C. To Mr.J.Lawrance Advocate SR.No.58876

+1. C.C. To Mr.RM.Arun Swaminathan Advocate SR.No.58651

+1. C.C. To Special Government Pleader SR.No.59269

W.P. (MD) .No.5177 of 2019
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