



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)NO.16332 of 2018

K.Muthusamy

:Petitioner

.VS.

1.The District Collector,
Office of the District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Office of the District Collector, Karur.

3.The Tahsildar,
Aravakurichi Taluk,
Karur District.

4.M.Kodiyarasu

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to evict the fourth respondent encroacher from the encroachment in S.No.841/9, situated at Chinnadharapuram Village, Aravakurichi Taluk, Karur District.

For Petitioner	: Mr.R.Aravind Raj
For Respondents	: Mr.Aayiram K.Selvakumar
1 to 3	Addl. Govt.Pleader
For Respondent-4	: Mr.A.Arunraj

ORDER

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

Heard Mr.R.Aravind Raj learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.A.Arun Raj, learned counsel appearing for the fourth responder and perused the materials placed before this Court.

2.This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to evict the fourth respondent encroacher from the encroachment in S.No.841/9, situated at Chinnadharapuram Village, Aravakurichi Taluk, Karur District.



3. According to the Petitioner, the fourth respondent has encroached upon the land in S.No.841/9, situated at Chinnadharapuram Village, Aravakurichi Taluk, Karur District.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, would submit that the third respondent has already issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, however, due to the pendency of the suit filed by the fourth respondent, no further action was taken.

5. Considering the limited scope of the prayer sought for by the Petitioner and the submissions of the learned counsels appearing on either side and taking note of the facts and circumstances, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to take further action based on the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, if there is no interim order in the suit filed by the fourth respondent before the Civil Court. The above said process shall be completed within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The District Collector,
Office of the District Collector,
Karur District, Karur.

2. The Revenue Divisional Officer,
Office of the District Collector, Karur.

3. The Tahsildar,
Aravakurichi Taluk, Karur District.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-60898[F] dated 12/04/2019)
+1 CC to M/s.G.BALAJI, Advocate (SR-61058[F] dated 15/04/2019)
+1 CC to M/s.SPL GP (SR-61280[F] dated 16/04/2019)

ORDER MADE IN
W.P (MD) NO.16332 of 2018
12.04.2019