



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**and****THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P. (MD) No.1495 of 2019

and

WMP (MD) No.1287 of 2019

P.Vadivelan

: Petitioner

Vs.

1.The District Collector,
Madurai District.2.The Thasildar,
Melur Taluk, Madurai District.

3.Macharaja : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to survey the land in S.No.471/34 in Arittapatti village in Melur Taluk in Madurai District and to remove the encroachments made by the 3rd respondent and others as accordance with law as under G.O. (Ms) No.540 Revenue (LD-6(2)) Department, dated 04.12.2014.

For Petitioner : Mr.R.Suriya Narayanan

For R-1 and R-2 : Mr.M.Karuppasamy
Government Advocate

For R-3 : No appearance

O R D E R

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

This writ petition is filed seeking for Mandamus directing the second respondent to Survey the land in Survey No.471/34 at Arittapatti village, Melur Taluk, Madurai District and to remove the encroachment made by the third respondent and others.

2.In this writ petition, though the third respondent has engaged a counsel, none appears for him today, when the matter is called. However, we proceed to dispose of the main writ petition



itself without affecting the interest of the third respondent in the following manner:-

3.The petitioner alleges that the third respondent has made some encroachment in the subject matter property. Ventilating such grievance, the petitioner filed a complaint before the first respondent on 14.09.2018. The learned counsel for the petitioner submitted that till this date, the said complaint has not been considered either by the first respondent or by other revenue officials. However, perusal of the petition status, filed in the typed set of papers, would indicate that the revenue officials are contemplating to take action to remove the encroachment.

4.Considering the above stated facts and circumstances and considering the fact that the petitioner's complaint, dated 14.09.2018 has not been disposed of so far, this writ petition is disposed of by directing the second respondent/Tahsildar, to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and the third respondent. Such exercise shall be done by the second respondent, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai District.

2.The Thasildar,
Melur Taluk, Madurai District.

+One cc to Mr.R.Suriyanarayanan, Advocate, SR.No.74258

+One cc to The Special Government Pleader, SR.No.74512

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RL/17.07.2019/2P/5C