



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.2894 of 2019
and W.M.P.(MD) No.2180 of 2019

R.Tamilvendan

... Petitioner

-vs-

1.The State of Tamilnadu,
Rep. by the Chief Secretary,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Principal Secretary and Commissioner,
Land Survey and Settlement (Survey),
Chennai - 600 005.

3.The Regional Deputy Director,
Survey and Land Records,
Madurai - 625 020.

4.The District Collector,
Collectorate,
Madurai,
Madurai District.

5.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

6.P.Periya Karuppan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents 1 to 6 to remove the encroachment made in the Vandi Pathai situated in S.No.316/2 and in the Kalam situated in Survey Nos.317/1A, 317/1C1 and in the Poochikulam Kanmai situated in Survey No.320 in Salakkipatti Village, Thumbaipatti Union in Melur Taluk, Madurai District.



For petitioner : Mr.Vasanthakumaresan
For Respondents 1 to 5 : Mr.A.K.Baskara Pandian,
Special Government Pleader
For 6th Respondent : Mr.M.Ramu

O R D E R

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[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V.Santhakumaresan, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.M.Ramu, learned counsel appearing for the 6th respondent.

2.The petitioner has come forward with this Writ Petition, seeking to issue a Writ of Mandamus, directing the Respondents 1 to 6 to remove the encroachment made in the Vandi Pathai situated in S.No.316/2 and in the Kalam situated in Survey Nos.317/1A, 317/1C1 and in the Poochikulam Kanmai situated in Survey No.320 in Salakkippatti Village, Thumbaipatti Union in Melur Taluk, Madurai District.

3.When the Writ Petition was heard earlier, the Hon'ble Division Bench by order dated 22.07.2019, appointed an Advocate Commissioner to cause inspection of the lands in S.Nos.316/1, 317/1A, 317/1C1 and 320 in Salakkippatti Village, Thumbaipatti Union, Melur Taluk and file a report.

4.The learned Advocate Commissioner has filed a report, which shows that the petitioner himself has encroached certain portion of the channel and the 6th respondent has put up Asbestos Sheeted Shed and Steel wire fence. Since, these are objectionable and illegal, both the parties should remove the same.

5.Accordingly, we dispose of the Writ Petition by directing the Block Development Officer, Karunkalagudi to take appropriate steps to ensure that the petitioner removes the encroachment and restores the channel and the 6th respondent removes the Asbestos sheeted shed and wire fence. If there is any encroachment in the area, the same shall be removed and if there is any defacement of water channel, the same shall be restored. This direction shall be complied with within six weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

sj

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Chief Secretary,
State of Tamilnadu,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Principal Secretary and Commissioner,
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5.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

+1 CC to M/s.V.SANTHAKUMARESAN, Advocate (SR-97794[F] dated
13/11/2019)

+1 CC to M/s.M. RAMU, Advocate (SR-97852[F] dated 13/11/2019)

+1 CC to M/s.SPL GP (SR-98072[F] dated 13/11/2019)

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JMN(15.11.2019) 3P : 9C