



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.4375 of 2019

S.N.Karthikeyan : Petitioner
Vs.

1.Superintending Engineer,
Public Works Department (WRO),
Thanjavur & District.

2.Assistant Engineer,
Public Works Department (WRO),
Sub-Division, Thanjavur Section,
Thanjavur District.

3.Sub Collector / Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

4.Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

5.J.Susila ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment in Survey Nos.6/3 and 7/4, Tharasuram Village made by the fifth respondent.

For Petitioner : Mr.N.Balakrishnan

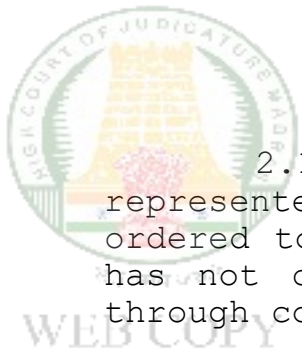
For R-1 to R-4 : Mr.M.Karuppasamy
Government Advocate

For R-5 : No Appearance

O R D E R

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

The petitioner seeks for Mandamus directing the respondents 1 to 4 to remove the encroachment in Survey Nos.6/3 and 7/4, Tharasuram Village, made by the fifth respondent.



2. In this writ petition, the respondents 1 to 4 are being represented by the learned Government Advocate. Though notice was ordered to the fifth respondent and served by private service, she has not chosen to appear before this Court either in person or through counsel. Her name is printed in the cause list today.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.

4. The petitioner claims that he is owning a property at Survey No.25/3, Tharasuram village and ingress and egress to the said property is the way available on the north side in Survey No.7/4, which is classified as channel pathway belonging to the Public Works Department. It is further claimed that the fifth respondent has purchased a plot in a layout situated North of channel in Survey No.7/4 and she has encroached the channel annexing it with her plot by putting up a compound wall on the southern bank of the channel. Therefore, it is contended by the petitioner that such illegal encroachment made by the fifth respondent has to be removed. Therefore, the petitioner made a representation on 04.02.2019 to the official respondents for removal of such encroachment. As the said representation was not considered, the present writ petition is filed before this Court.

5. After notice, the official respondents, more particularly, the fourth respondent informed the Government Advocate through his communication, dated 20.03.2019 that Survey No.7/4 is classified as pathway-cum-channel in the revenue records and that totally eight persons including the fifth respondent have encroached upon the said channel by putting up some construction therein. Therefore, the learned Government Advocate, based on such instruction, submitted that appropriate action will be taken against such encroachers including the fifth respondent in accordance with law for removal of such encroachment.

6. Considering the above stated facts and circumstances, more particularly, in view of the fact that the fifth respondent has not chosen to appear before this Court and put forth her case, this writ petition is disposed of by directing the official respondents to take action against the encroachers for removal of the encroachment by following due process of law, as expeditiously as possible, however, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //



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To

1.The Superintending Engineer,
Public Works Department (WRO),
Thanjavur & District.

2.The Assistant Engineer,
Public Works Department (WRO),
Sub-Division, Thanjavur Section,
Thanjavur District.

3.The Sub Collector / Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

4.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

+1CC TO MR.N.BALAKRISHNAN, Advocate Sr. No.75780

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 76009

W.P. (MD) No.4375 of 2019

17.07.2019

AL(CO)

TR (26.07.2019) 3P 7C