



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

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

**W.P. (MD) .No.23596 of 2018
and
W.M.P. (MD) .No.21395 of 2018**

Narayanan

... Petitioner

Vs.

1. The District Collector,
District Collectorate,
Trichy.
2. The Revenue Divisional Officer,
Musiri Taluk,
Musiri,
Trichy District.
3. The Executive Officer,
Mettupalayam Town Panchayat,
Mettupalayam,
Trichy District.

4. K.Ravikumar

... 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 unauthorised construction made by the fourth respondent herein in S.No.820/2, 820/4 and 820/5 situated in Morupatti, Mettupalayam, Musiri Taluk, Trichy District within a time frame stipulated by this Court.

For Petitioner
For R1 & R2

: Mr.R.Vijayakumar
: Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3

: Mr.M.Rajarajan
Standing counsel

For R4

: Mr.N.V.Nagendhiran

**ORDER**

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

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Heard Mr.R.Vijayakumar, learned counsel for the petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.M.Rajarajan, learned Government Advocate appearing for the third respondent and Mr.N.V.Nagendhiran, learned counsel for the fourth respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of Mandamus directing the respondents 1 to 3 herein to remove the unauthorised construction made by the fourth respondent in S.Nos.820/2, 820/4 and 820/5 in Morupatti Village, Mttupalayam, Musiri Taluk, Trichy District within a time frame.

3. The case of the petitioner is that he owns four acres of land in Survey No.139 in Morupatti Village and to reach his property, he has to use the public lane formed in Survey No.820/4 which is classified as public lane in the revenue records. The petitioner would allege that the fourth respondent has purchased the property in Survey Nos.820/2 and 820/5 by forging documents and he is putting up construction encroaching a portion in Survey No.820/4.

4. The learned counsel for the fourth respondent would submit that the fourth respondent is the owner of the property in Survey Nos.820/4 and 820/5 and after obtaining planning permission, he is putting up construction. It is the submission of the learned counsel that the fourth respondent has not encroached the public lane in Survey No.820/4.

5. The learned Standing counsel for the third respondent would submit that for the notices issued dated 24.10.2018 and 09.11.2018, the fourth respondent has not responded and if the fourth respondent produces the relevant records, he is ready to take further action.

6. In the light of the above facts, the writ petition is disposed of directing the fourth respondent to produce all the relevant records before the third respondent within a period of two weeks and during survey if any encroachment is found in Survey No.820/4, the same shall be removed by the third respondent in accordance with law.

7. With the above direction, the writ petition is disposed of.



No costs. Consequently, the connected Miscellaneous Petition is closed.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

To

1. The District Collector,
District Collectorate,
Trichy.
2. The Revenue Divisional Officer,
Musiri Taluk,
Musiri, Trichy District.
3. The Executive Officer,
Mettupalayam Town Panchayat,
Mettupalayam, Trichy District.

+1 CC to Mr.R.VIJAYAKUMAR, Advocate (SR-63200[F] dated 27/04/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-63376[F] dated 27/04/2019)

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