



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 02.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 17076 OF 2019

K.Gopalsamy

.. Petitioner

- Vs -

1. The District Collector  
Virudhunagar District, Virudhunagar.
2. The Tahsildar  
Sivakasi, Virudhunagar District.
3. Balamurugan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 1 and 2 to remove the encroachments made by the 3<sup>rd</sup> respondent in the Odai situate in Survey Nos.457 & 478/1 of Sithurajapuram Village, Sivakasi Taluk, Virudhunagar District on the basis of the petitioner's representation dated 8.6.2019 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr. K.Gokul

For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.  
For RR-1 & 2

**ORDER**

**(Order of the Court was made by M.Sathyannarayanan, J.)**

The petitioner is a resident of Sithurajapuram, Sivakasi Taluk, Virudhunagar District and came forward to file this writ petition, styled as a public interest litigation, alleging that the 3<sup>rd</sup> respondent had encroached upon the land in survey No.478/1, which is located on the southern side of a water course in survey No.457 of Sithurajapuram and put up a godown at Door No.2/550-0 and the said construction is also causing encroachment not only upon the said water course, but also on the Sivakasi-Vembakottai State Highways. The petitioner submitted a representation dated 7.6.2019 to the 1<sup>st</sup> respondent with copies marked to the 2<sup>nd</sup> respondent and despite



receipt and acknowledgment, no steps have been taken to address his grievance and, therefore, he came forward to file this petition.

2. Heard the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2.

3. Though the petitioner prays for a larger relief, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, either in the representation or in the writ petition, this Court directs the 2<sup>nd</sup> respondent to put the petitioner as well as the 3<sup>rd</sup> respondent on notice and also verify the concerned revenue records and cause inspection of the land in survey Nos.457 and 478/1 of Sithurajapuram Village, Sivakasi Taluk, Virudhunagar District, within a period of six weeks from the date of receipt of a copy of this order. Depending upon the result of the inspection, the 2<sup>nd</sup> respondent shall take appropriate action in accordance with law within a further period of six weeks thereafter and communicate the decision taken to the petitioner as well as the 3<sup>rd</sup> respondent.

4. This writ petition is disposed of accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector

Virudhunagar District, Virudhunagar.

2. The Tahsildar

Sivakasi, Virudhunagar District.

+1 CC to M/s.K.GOKUL, Advocate ( SR-79510[F] dated 02/08/2019 )

+1 CC to M/s.SPL GP ( SR-79706[F] dated 05/08/2019 )

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KK/SAR/13.08.2019/2P-5C/