



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.18986 of 2019

K.Subbaiah : Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 3.The Assistant Director
(Panchayats),
Tirunelveli District.
- 4.The Block Development Officer,
Office of the Block Development Officer,
(Panchayats),
Valliyur,
Tirunelveli District.
- 5.The Executive Officer,
Adangarkulam Panchayat,
Valliyur,
Tirunelveli District.

6.Peter Anand : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to take necessary steps for removal of encroachment made by the sixth respondent in Survey No.214/3 of Ooralvaimozhi East Village of Adngarkulam Panchayat of Valliyur Union Panchayat of Tirunelveli District and to take effective steps to conduct and complete the proceedings of O.S.No.16 of 2019 on the file of District Munsif Court, Valliyur, by considering the petitioner's representation dated 15.07.2019, within the period as may be stipulated by this Court.



For Petitioner : Mr.A.Haja Mohideen
For Respondents 1 to 3 : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondents 4 & 5 : Mr.M.Jeyakumar
Additional Government Pleader

WEB COPY

O R D E R

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

Heard Mr.A.Haja Mohideen, learned Counsel appearing on behalf of the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader accepting notice on behalf of respondents 1 to 3 and Mr.M.Jeyakumar, learned Additional Government Pleader accepting notice on behalf of respondents 4 & 5.

2.This Writ Petition has been filed for a direction upon the respondents 1 to 5 to take necessary steps for removal of encroachment made by the sixth respondent in Survey No.214/3 of Ooralvaimozhi East Village of Adngarkulam Panchayat of Valliyur Union Panchayat of Tirunelveli District and to take effective steps to conduct and complete the proceedings of O.S.No.16 of 2019 on the file of District Munsif Court, Valliyur, by considering the petitioner's representation dated 15.07.2019.

3.In terms of the interim order issued on 30.08.2019, the learned Special Government Pleader submitted that the encroachments have been removed. Learned Counsel for the petitioner, submitted that only a portion of the encroachment has been removed.

4.We direct the respondents to remove all the encroachments completely without retaining any portion of it and if it is found that the respondents have not removed the encroachments fully, then we will be initiating action for contempt. This direction be complied with by the respondents within a period of two [2] weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

MR



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Assistant Director
(Panchayats),
Tirunelveli District.

4.The Block Development Officer,
Office of the Block Development Officer,
(Panchayats),
Valliyur,
Tirunelveli District.

5.The Executive Officer,
Adangarkulam Panchayat,
Valliyur,
Tirunelveli District.

+1 CC to SPL GP (SR-96091[F] dated 05/11/2019)

+1 CC to Mr.A.HAJAMOHIDEEN, Advocate (SR-96473[F] dated
06/11/2019)

Order made in

W.P. [MD]No.18986 of 2019

Dated: 04.11.2019

MK (26.11.2019) 3P 8C