



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM:

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

W.P. (MD) No.18247 of 2019
and W.M.P. (MD) No.14693 of 2019

Jothi

... Petitioner

-vs-

1.The District Collector,
Pudukottai District.

2.The Thasildhar,
Thirumayam Taluk,
Pudukottai District.

3.The Block Development Officer (Village Panchayat),
Kadiyapatti Panchayat,
Arimalam Panchayat Union,
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondent from removing the compound wall of petitioner's building in the patta land in S.No.175/54 in Panangudi Village, in Tirumayam Taluk, Pudukottai District on the guise of encroachment, except under due process of law.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents 1 & 2 : Mr.M.Murugan
Government Advocate

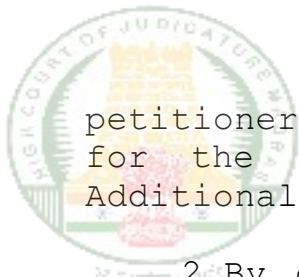
For 3rd Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

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

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the

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petitioner, Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the third respondent.

2.By consent on either side, this Writ Petition is taken up for final hearing.

3.By way of this Writ Petition, the petitioner seeks for issuance of a Writ of Mandamus, to forbear the respondents 2 and 3 from removing the compound wall put up by the petitioner. According to the petitioner, the compound wall is in her patta land.

4.The learned Additional Government Pleader produced a written communication of the Tahsildar, Thirumayam to Block Development Officer, Arimalam in Na.Ka.No.1789/2019/Aa1 dated 13.08.2019, from which it is seen that there is encroachment in several survey numbers and it appears an enquiry is being conducted.

5.In view of the above, the third respondent Block Development Officer is directed to conduct an enquiry after issuing notice to the petitioner and based on the findings of the enquiry, if there is any encroachment found, the same shall be removed.

6.The Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

SJ

To

1.The District Collector,
Pudukottai District.

2.The Thasildhar,
Thirumayam Taluk,
Pudukottai District.



3.The Block Development Officer (Village Panchayat),
Kadiyapatti Panchayat,
Arimalam Panchayat Union,
Pudukottai District.

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+1 CC to M/s.R.SURIYANARANAN, Advocate (SR-88173[F] dated
20/09/2019)

+1 CC to M/s.SPL GP (SR-88359[F] dated 20/09/2019)

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