



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2019**

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.P. (MD) .No.19249 of 2019

Palanichamy

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 4.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
Nathikundu Village,
Kariapatti Taluk,
Virudhunagar District.

6.Mr.Bose

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent herein to take necessary steps to remove the encroachment in Survey No.112/37 Nathikundu Village, Melathulukangulam Village Panchayat, Kariapatti Taluk, Virudhunagar District within the stipulated period.

For Petitioner : Mr.M.Jothibas

For R1 to R5 : Mr.M.Murugan
Government Advocate



O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Jothibas, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

2.By consent of either side, this writ petition is taken up for disposal.

3.This writ petition is filed to direct the fourth respondent to take necessary steps to remove the encroachment in Survey No.112/37, Nathikundu Village, Melathulukangulam Village Panchayat, Kariapatti Taluk, Virudhunagar District.

4.The request made by the petitioner to remove the encroachment alleging that the land in question is classified as 'Pathway' was rejected by the Tahsildar and the petitioner was informed that the land is a vacant land/Government Property. By another communication dated 15.07.2019, the petitioner was informed that it is a Government land, Natham and the persons who are therein cannot be considered as encroachers. As against the order passed by the Tahsildar, the petitioner has filed an appeal before the third respondent and forwarded the same by a registered post on 30.07.2009, without even giving reasonable time to the third respondent to consider the appeal petition that the petitioner rushed to this Court. However, in the light of the fact that the statutory appeal is maintainable against the order of Tashildar, we direct the third respondent to dispose of the appeal petition as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

4.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

5.The Village Administrative Officer,
Nathikundu Village,
Kariapatti Taluk,
Virudhunagar District.

+1 CC to M/s.G.M. LAW OFFICE, Advocate (SR-85189[F] dated
05/09/2019)

+1 CC to M/s.SPL GP (SR-85622[F] dated 06/09/2019)

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04.09.2019

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