



WEB COPY

W.P.(MD).No.19324 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.19324 of 2019

Kumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsidar,
Thirumangalam Taluk Office,
Thirumangalam, Madurai District.

3.The Revenue Inspector,
Pannikudu Phirka
Thirumangalam,
Madurai District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, preventing the respondents herein from in any manner taking any action of demolishing in respect of house property comprised in S.No.249/102 B situated at Veerapatti Village, Mathipanoor Post, Thirumangalam Taluk, Madurai District on the basis of petitioner's representation dated 31.08.2019.

For Petitioner	: Mr.B.Santhanam Rajeshkumar
For Respondents	: Mr.M.Murugan Government Advocate

O R D E R

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

Heard Mr.B.Santhanam Rajeshkumar, 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 has been filed challenging the action initiated by the respondents in removing the encroachments on a road.



4.The learned Additional Government Pleader, on instructions, submitted that several persons, who are residing on either side of the road, have encroached into the property and eviction proceedings have been carried out and only four people are resisting and the petitioner is one among the same.

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5.The learned Additional Government Pleader produced the statement given by the petitioner viz., S.Kumar, dated 29.08.2019, wherein he agreed to remove the encroachment within three days.

6.The learned counsel for the petitioner vehemently contended that the land is the Government land and encroachment is only a meagre extent. The reliance was also placed on the decision of the Division Bench in the case of **THE EXECUTIVE OFFICER, KADATHUR TOWN PANCHAYAT, HARUR TALUK, DHARMAPURI DISTRICT V. V.SWAMINATHAN AND OTHERS.**, reported in **2004(3) CTC 270**, the said decision is not applicable to the case on hand, since the matter under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 and the Madras Land Environment Act, 1905, as to how the Grama Natham lands have to be dealt with. Therefore, the decision relied on by the learned counsel for the petitioner cannot support in respect of the petitioner's case.

7.In the light of the above facts, we are fully convinced that no relief can be granted. Hence, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector, Madurai District, Madurai.

2.The Tahsidar, Thirumangalam Taluk Office,
Thirumangalam, Madurai District.

3.The Revenue Inspector, Pannikudu Phirka,
Thirumangalam, Madurai District.

+1 CC to M/s.B.SANTHANAM RAJESHKUMAR, Advocate SR-85830.

+1 CC to SPL.GP SR-85906.

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CS(24.09.2019) 2P 6C