



W.P(MD)NO.7989 of 2018
and
W.P(MD)No.7291 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)NO.7989 of 2018
and
W.P (MD)No.7291 of 2018

W.P (MD)NO.7989 of 2018

Suresh

:Petitioner

.vs.

1.The District Collector,
Tirunelveli District.

2.The Assistant Director,
Town Panchayat,
N.G.O.Colony, Tirunelveli.

3.The Executive Officer,
Selection Grade Town Panchayat,
Thisayanvilai, Tirunelveli District.

: Respondents

W.P (MD)No.7291 of 2018

A.Thayalakannan

:Petitioner

.vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Assistant Director, (Panchayat),
Perumalpuram,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Rathapuram,
Tirunelveli District.

4.The Special Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai,
Rathapuram Taluk,
Tirunelveli District.



5.Selvam

6.Senthil

7.S.L.Vijayaraj

8.Selvaraj

:Respondents

PRAYER in W.P(MD)No.7989 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents, more particularly, the third respondent to take action for removing the encroachments made in the Sewage Water Canal in Survey No.17/3 at Thisayanvilai within the time fixed by this Court.

PRAYER in W.P(MD)No.7291 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the obstruction and encroachment in pathway and drainage canal of Indra Market at Tisayanvilai Town Panchayat, which is situated in S.No.17, at Thisayanvilai, Rathapuram Taluk, Tirunelveli District.

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For Petitioner

:Mr.D.Venkatesh

For Respondents
1 to 3

:Mr.M.Rajarajan
Addl.Govt.Pleader

W.P(MD)NO.7291 of 2018

For Petitioner

:Mr.M.M.Manivelpandian

For Respondents
1 to 4

:Mr.M.Rajarajan
Addl.Govt.Pleader

For Respondent-5

:Mr.R.Balakrishnan

For Respondents

7 and 8

:Mr.V.Balasubramanian

For Respondent-6

:No appearance

COMMON ORDER

[Order of the Court was made by **K.RAVICHANDRABAABU., J.**]

W.P(MD)No.7989 of 2018 is filed for a mandamus directing the respondents, more particularly, the third respondent to take action



for removing the encroachments made in the Sewage Water Canal in Survey No.17/3 at Thisayanvilai.

2.W.P(MD)No.7291 of 2018 is filed for a mandamus directing the respondents 1 to 4 to remove the obstruction and encroachment in pathway and drainage canal of Indra Market at Tisayanvilai Town Panchayat, which is situated in S.No.17, at Thisayanvilai, Rathapuram Taluk, Tirunelveli District.

3.Heard the learned counsel for the Petitioners and the learned counsels appearing for the respondents.

4.In both these Writ Petitions, the respective Writ Petitioners seek for a direction to the concerned official respondents to remove the encroachment made in S.No.17 at Thisayanvilai, Rathapuram Taluk, Tirunelveli District.

5.According to these Writ Petitioners, several encroachments were made in the said property, out of whom respondents 5 to 8 in W.P(MD)No.7291 of 2018 are few encroachers.

6.On the other hand, it is contended by the learned counsel for the private respondents that only when a survey is made, it would reveal as to whether these respondents have encroached upon the Government land or not. Therefore, they submitted that the concerned Tahsildar may be directed to conduct a survey based on the revenue records and to identify the properties.

7.The learned Additional Government Pleader appearing for the official respondents submitted that the Tahsildar concerned will conduct such survey with the help of the Taluk Surveyor and once it is found that the properties which is in the possession of these private respondents and other encroachers are encroachments made in the Government land, appropriate action will be taken against those persons in accordance with law.

8.Considering the above-stated facts and circumstances, these Writ Petitions are disposed of with the following directions:

(a)the Tahsildar concerned shall conduct survey in S.No.17 at Thisayanvilai, Rathapuram Taluk, Tirunelveli District and identify the properties in the possession of the private respondents as well as the other persons and make a report as to whether these persons have encroached upon the Government land or not. Such exercise shall be done by the Tahsildar concerned within a period of four weeks from the date of receipt of a copy of this order.

(b)On completion of such survey and making a report, if the respondents submit that the private respondents and others



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have encroached upon the Government land, they shall take appropriate action against those persons to remove the encroachments by resorting to the procedures contemplated under the relevant Act. Such exercise shall be done by the authorities within a period of four weeks from the date of making such report by the Tahsildar concerned.

9. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector, Tirunelveli District.
2. The Assistant Director,
Town Panchayat, N.G.O. Colony, Tirunelveli.
3. The Assistant Director, (Panchayat),
Perumalpuram, Tirunelveli, Tirunelveli District.
4. The Tahsildar, Thisaiyanvillai,
Rathapuram, Tirunelveli District.
5. The Special Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai,
Rathapuram Taluk, Tirunelveli District.

+1 CC to Mr.D.VENKATESH, Advocate SR-80421.

+1 CC TO Mr.V.Balasubramanian, ADVOCATE IN SR No.80046.

COMMON ORDER MADE IN
W.P(MD)NO.7989 of 2018
and
W.P(MD)No.7291 of 2018
06.08.2019

CS(21.08.2019) 4P 8C