



WEB COPY

W.P(MD)No.19935 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.19935 of 2019

Kaaliappan

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Deputy Superintendent of Police,
Kamuthi,
Ramanathapuram District.
4. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.
5. The Block Development Officer,
Kadaladi,
Ramanathapuram District.
6. The Inspector of Police,
Perunaali Police Station,
Ramanathapuram District.
7. Periyamariappan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 4 and 5 to remove the encroachments made by the seventh respondent in S.no.394/1, Kokkadi Village, Avanthandai Group, Kadaladi Taluk, Ramanathapuram District within a time frame fixed by this Court.

For Petitioner	: Mr.N.Jeyaram Sidharth
For R1 to R4 & R6	: Mr.M.Murugan Government Advocate
For R5	: Mr.S.Angappan Government Advocate
	: Mr.S.Muniyandi



ORDER

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

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Heard Mr.N.Jeyaram Sidharth, learned counsel for the petitioner, Mr.M.Murugan, learned Government Advocate for the respondent Nos.1 to 4 and 6, Mr.S.Angappan, learned Government Advocate for the fifth respondent and Mr.S.Muniyandi, learned counsel for the seventh respondent.

2. This writ petition has been filed seeking direction upon the fourth and fifth respondents to remove the encroachment made by the seventh respondent in S.No.394/1, Kokkadi Village, Avanthandai Group, Kadaladi Taluk, Ramanathapuram District.

3. The learned Government Advocate appearing for the fifth respondent, on instructions, would submit that there is an encroachment made by the seventh respondent. The learned counsel for the seventh respondent would submit that the seventh respondent is not an encroacher.

4. Since the proceedings have already been initiated by the fifth respondent, we direct the fifth respondent to conduct spot inspection in the presence of the petitioner and the seventh respondent, measure the property and if it is found that there is encroachment, the seventh respondent shall be given reasonable time to remove the encroachment by himself, failing which the same shall be removed by the fifth respondent in accordance with law, for which the sixth respondent police shall give adequate police protection. The above direction shall be complied with within a period of twelve weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Deputy Superintendent of Police,
Kamuthi,
Ramanathapuram District.
4. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.
5. The Block Development Officer,
Kadaladi,
Ramanathapuram District.
6. The Inspector of Police,
Perunaali Police Station,
Ramanathapuram District.

+1 CC to M/s.N.JEYARAM SIDHARTH, Advocate (SR-97832[F]
dated 13/11/2019)

+1 CC to M/s.SPL GP (SR-98073[F] dated 13/11/2019)

W.P (MD) No.19935 of 2019
12.11.2019

sma (27.11.2019) 3P 9C