



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.20829 of 2019

and

W.M.P. (MD)No.17415 of 2019

P.Dhanapackiam

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Musiri,
Trichy District.

3.The Tahsildar,
Musiri Taluk,
Musiri,
Trichy District.

4.The Block Development Officer, (Village Panchayats)
Musiri Panchayat Union,
Musiri,
Trichy District.

5.A.Singaravelan

6.U.Duraisamy

7.P.Subramani

8.P.Muthu

9.S.Sekar

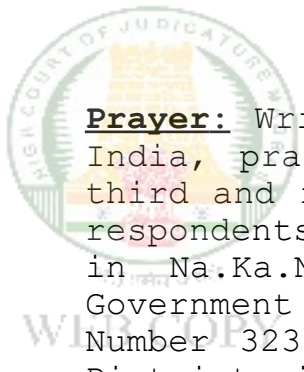
10.A.Rajendran

11.N.Paramasivam

12.R.Rajendran

13.P.Nagammal

... Respondents



Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the third and fourth respondent to remove the encroachments made by the respondents 5 to 13 listed out in the third respondent proceedings in Na.Ka.Noo.A6/3913/2017 dated 29.05.2019 from the Cart Path Government Poramboke Land in Old survey Number 41/6, New survey Number 323/39 of Vadakku Siddhambur Village, Musiri Taluk, Trichy District within a time limit.

For Petitioner : Mr.A.Thirumurthy
For Respondents 1 to 3 : Mr.S.Angappan, GA
For 4th Respondent : Mr.A.Thiyagarajan, GA

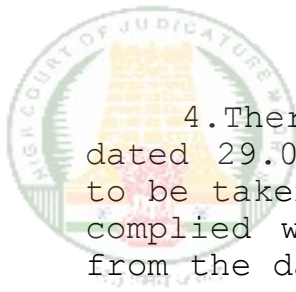
ORDER

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

Heard Mr.A.Thirumurthy, learned counsel appearing for the petitioner, Mr.S.Aagappan, learned Government Advocate appearing for the respondents 1 to 3 and Mr.A.Thiyagarajan, learned Government Advocate appearing for the fourth respondent.

2.The petitioner is before this Court for the second time complaining that the private respondents has encroached into Government land. Earlier writ petition filed by the petitioner in W.P.(MD)No.2008 of 2018 was disposed of on 13.03.2018 by directing survey to be conducted and the area encroached to be demarcated and action for eviction should be taken. This direction has been complied with, notice has been issued to the encroachers and survey was conducted and an order has been passed by the Tahsildar on 29.05.2019 and forwarded to the fourth respondent for appropriate action.

3.We find from the order of Tahsildar dated 29.05.2019, the names of the encroachers, the extent of the encroachment and type of encroachment have been indicated. Further, the fourth respondent has been directed to carry out the eviction process, take photographs of the work done and submit a report. The petitioner had filed contempt petition stating that the order in direction in W.P.(MD)No.2008 of 2018 was violated. The contempt petition in Cont.P.(MD)No.719 of 2019 was closed on 24.06.2019 on the ground that already the Tahsildar has passed the order issuing necessary directions. After the disposal of the contempt petition, once again the Tahsildar has addressed the fourth respondent on 01.07.2019. However, the fourth respondent is dragging his feet and has not done anything to take action for removal of the encroachment in the Government land. But it is not know as to why no action has not been taken despite the two communications from the Tahsildar.



4. Therefore, we direct the Tahsildar to enforce his orders dated 29.05.2019 and 07.07.2019 by directing the police protection to be taken to the fourth respondent and to ensure that his order is complied with in letter and spirit within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

mrn/Ns

To

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Musiri,
Trichy District.
3. The Tahsildar,
Musiri Taluk,
Musiri, Trichy District.
4. The Block Development Officer, (Village Panchayats)
Musiri Panchayat Union,
Musiri, Trichy District.

+1 CC to GP SR-90254.

+1CC to Mr.A.Thirumurthy, Advocate, SR.No.16431, dated:26.09.2019.

Writ Petition (MD).No.20829 of 2019

26.09.2019

CS(30.10.2019) 3P 7C