



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.22456 of 2019

Sathish Kumar

... Petitioner

-VS-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Keelakkarai Taluk,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Director,
Department of Land Surveying and Records,
Keelakkarai Taluk,
Ramanathapuram District,
Ramanathapuram.

4.Kajenthiran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents No.1 and 2 to take necessary action on the basis of the petitioner's representation dated 07.05.2019 with regard to removal of the illegal encroachment made by the Respondent No.4 in Survey No.155/3A1 at Kuthukkal Valasai, Kaliman Kunndu group, Thiruppullani via, Ramanathapuram District.

For Petitioner : Mr.D.Anbarasu
For Respondents 1 to 3 : Mr.S.Angappan
Government Advocate

O R D E R

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

Heard MrD.Anburasu, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate appearing for the respondents 1 to 3.



2.By consent on either side, this Writ Petition itself is taken up for final disposal. In view of the order we propose to pass in this Writ Petition, notice to fourth respondent is dispensed with.

3.This Writ Petition has been filed to remove the encroachment made by the fourth respondent, which according to the petitioner is a pathway.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the Field Map Book, from which, we find that there is no indication that the land in S.No.155/3A1 at Kuthukkal Valasal, Kaliman Kunndu Group, Ramanathapuram District is a pathway. In fact, the representation of the petitioner itself is to remove the encroachment in a patta land. This is clear from the communication sent by the Head Quarters Deputy Tahsildar, Keelakarai dated 13.06.2019. Therefore, the relief sought for by the petitioner cannot be granted.

5.In view of the above, the Writ Petition is dismissed. However, it is open to the petitioner to approach the competent civil forum for appropriate relief, if he is so advised. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Keelakkarai Taluk,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Director,
Department of Land Surveying and Records,
Keelakkarai Taluk,
Ramanathapuram District,
Ramanathapuram.

+1 CC to Mr.D.ANBARASU, Advocate (SR-93858[F] dated 23/10/2019)

+1 CC to SPL GP (SR-94237[F] dated 24/10/2019)

W.P. (MD) No.22456 of 2019

23.10.2019

sj

MK (07.11.2019) 2P 6C

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