



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.23563 of 2019

and

W.M.P (MD) .No.20184 of 2019

E.Anna Selvam

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

4.The Block Development Officer,
(Village Panchayat Union),
Aruppukottai Taluk,
Virudhunagar District.

5.Amuthakani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment made by the fifth respondent in Survey No.239/24, Grama Purampoke in Vadhuvarpatti Village, Aruppukottai Taluk, Virudhunagar District, based on the revenue records and petitioner's representation dated 18.06.2019.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.A.K.Baskarapandian (for R1 to R3)
Special Government Pleader
Mr.M.Pandiarajan (for R4)
Additional Government Pleader

O R D E R

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

<https://hcservices.courts.gov.in/hcservices/> **For Mr. Ananth C.Rajesh, learned counsel appearing for**



petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for fourth respondent.

2.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner seeks for issuance of Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachment made by the fifth respondent in Survey No.239/24, Grama Purampoke in Vadhuvarpatti Village, Aruppukottai Taluk, Virudhunagar District, based on the revenue records and petitioner's representation, dated 18.06.2019.

4.The petitioner alleges that the fifth respondent has encroached the Government property, which is classified as 'Natham poramboke' and put up a shed and he is running a Welding Workshop. Action was initiated on the petitioner's representation and the District Collector, by memo dated 23.07.2019, has forwarded the representation of the petitioner to the second respondent for action. It appears that the second respondent has forwarded the representation to the third respondent/Tahsildar, Aruppukottai and ultimately, which has reached the fourth respondent, the Block Development Officer. The petitioner has given a representation even earlier and direction has been issued on 14.12.2018. Thus, it appears that the authorities are merely passing on the files to their subordinates and no worthwhile action is being initiated. Since already the District Collector has forwarded the matter for consideration, we direct the third respondent to consider the representation by issuing notice to the petitioner as well as fifth respondent and proceed to take action in accordance with law. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
(Village Panchayat Union),
Aruppukottai Taluk,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-96985[F] dated 08/11/2019)

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-97351[F] dated
11/11/2019)

Writ Petition (MD).No.23563 of 2019

07.11.2019

_KM/ (28.11.2019) 3P 7C