



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **15.10.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.20481 of 2018

Jeyachandran ... Petitioner
Vs.

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. Ganesapandian ... 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 first respondent to remove the encroachment made by the several persons in Survey No.1135, 1138 to 1145, Puthu Nagar, Machuvadi Post, Pudukkottai District considering the petitioner's representation dated 04.04.2018 within the time stipulated by this Court.

For Petitioner	: Mr.G.Mathavan
For R1	: Mr.A.K.Baskara Pandian Special Government Pleader
For R2	: Mr.P.Thilak Kumar

ORDER

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

Heard Mr.G.Mathavan, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the first respondent and Mr.P.Thilak Kumar, learned counsel for the second respondent.

2. The petitioner by way of this writ petition seeks issuance of writ of Mandamus to remove the encroachment caused by the second respondent in the land classified as Vari Poramboke, Urani and Road.

3. The second respondent has filed counter affidavit and typed set of papers stating that the petitioner has mentioned four survey numbers and two of the said survey numbers are the second respondent's patta land and there is no encroachment.



4. The learned counsel for the petitioner submits that the second respondent has purchased the land in between the water body and now slowly encroached into the water body and therefore, prays for a direction to immediately remove the encroachment.

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5. Before any such order is passed, the first requirement is to conduct survey, because the second respondent claims that he is the pattathar in respect of two survey numbers. We find that except the District Collector, Pudukkottai District, other revenue officials have not been impleaded as respondents in the present proceedings. In any event, since it is Public Interest Litigation, we direct the Tahsildar, Pudukkottai Town to conduct an inspection along with survey of the entire lands in that locality including the lands, which survey numbers have been mentioned in the writ petition. Before any such inspection / survey is conducted, notice should be issued to the petitioner and the second respondent and after surveying, appropriate action be taken in accordance with law. Survey / inspection shall be conducted within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Tahsildar,
Pudukkottai Town

+1 CC to Mr.P.THILAK KUMAR, Advocate (SR-92271[F] dated 16/10/2019)

+1 CC to Mr.G.MADHAVAN, Advocate (SR-92642[F] dated 17/10/2019)

+1 CC to SPL GP (SR-92503[F] dated 17/10/2019)

ORDER MADE IN
W.P. (MD) No.20481 of 2018
15.10.2019

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MK (31.10.2019) 2P 6C