



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.24231 of 2019

N.Subbulakshmi

... Petitioner

-vs-

1.The District Collector
Tirunelveli District
Tirunelveli

2.The Tahsildar
Thiruvengadam Taluk
Tirunelveli District

3.Block Development Officer
O/o.Block Development Officer
Kuruvikulam Block
Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to remove the encroachment made in the pathway of Government land classified as "Oorani" situated in Survey No.1674/3, Sevalakulam Village, Kuruvikulam Union, Thiruvengadam Taluk, Tirunelveli, in the light of the proceedings issued by the second respondent in his proceedings in O.Mu(A3)/481/2019, dated 19.02.2019 for removing the encroachment based on the Petitioner's Grievance Day petition dated 28.12.2018 made to the first respondent, within a time limit stipulated by this Court.

For Petitioner : Mr.K.Sankar
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

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

Heard Mr.K.Sankar, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice for the respondents.



2. The petitioner seeks for a direction to the third respondent to remove the encroachment made in the pathway of the Government land classified as "Oorani", situated in Survey No.1674/3 of Sevalakulam Village, Kuruvikulam Union, Thiruvengadam Taluk, Tirunelveli, in the light of the proceedings No.O.Mu(A3)/481/2019, dated 19.02.2019, issued by the second respondent and based on his Grievance Day petition dated 28.12.2018 submitted to the first respondent, within a time limit stipulated by this Court.

3. In this writ petition, the petitioner has not impleaded any one of the encroachers and the case of the petitioner rests upon an internal communication sent by the Tahsildar, Thiruvengadam Taluk to the Block Development Officer, Kuruvikulam Block, dated 19.02.2019. Since the alleged encroachers are not parties to the writ petition, no positive direction can be issued.

4. Accordingly, we dispose of the writ petition giving liberty to the writ petitioner to pursue his remedy before the Block Development Officer, Kuruvikulam Block, who shall take further action on the petitioner's grievance pursuant to the communication received from the Tahsildar, Thiruvengadam Taluk, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Thiruvengadam Taluk,
Tirunelveli District.

3.Block Development Officer,
O/o.Block Development Officer,
Kuruvikulam Block,
Tirunelveli District.

+1 CC to Mr.K.SANKAR, Advocate (SR-99211[F] dated 18/11/2019)

+1 CC to Spl.GP (SR-99545[F] dated 19/11/2019)

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18.11.2019

MK (04.12.2019) 2P 6C

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