



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.11.2019

CORAM:

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

W.P(MD)No.24398 of 2019
and
W.M.P(MD)No.21022 of 2019

Samraj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk Office,
Tirunelveli.

3.The Block Development Officer,
Block Development Office,
Sankarankovil,
Tirunelveli District.

4.Susila

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Old Survey No.498/5, New Survey No.800/8 at the extent of 75 cents situated at Ilavankulam, Kalappakulam Panchayat, Sankarankovil Taluk, Tirunelveli District by virtue of letter in Na.Ka.No.A4/4604/2018 dated 25.09.2019 issued by the 3rd respondent.

For Petitioner	: Mr.M.Ramu
For R-1 to R-3	: Mr.A.K.Baskarapandian, Special Government Pleader

ORDER

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

Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader for R-1 to R-3.



2. This writ petition is filed praying for a direction upon the respondents 1 to 3 to remove the alleged encroachment made by the fourth respondent.

3. Earlier, the petitioner has approached this Court and filed W.P(MD)No.14067 of 2019 and it was disposed of by order dated 24.06.2019. In the said writ petition also, the fourth respondent was impleaded as a respondent. However, notice was not issued to the said fourth respondent, because this Court was not inclined to issue any positive direction and a direction was issued to the authorities to take further action in furtherance to the communication dated 12.05.2018.

4. It is submitted by the learned counsel for the petitioner that though such direction was issued, unfortunately, the fourth respondent proceeded with the construction and put up a compound wall as well as superstructure and the authorities did not take any action. Therefore, the petitioner has come forward with this writ petition to demolish the construction, which according to him is illegal.

5. We find that pursuant to the directions issued in the earlier writ petition, notice of enquiry has been issued on 25.09.2019 directing the fourth respondent to appear and produce all the documents.

6. In the light of the above, we direct the third respondent to conduct an enquiry by directing the petitioner and the fourth respondent to appear in person and produce all the documents and after completing the enquiry if it is found that there is an encroachment, direction should be issued to remove the encroachment and if the same is not removed by the fourth respondent, the same shall be removed departmentally after hearing the fourth respondent.

With the above direction, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

pm



To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Sankarankovil Taluk Office,
Tirunelveli.
- 3.The Block Development Officer,
Block Development Office,
Sankarankovil,
Tirunelveli District.

+1CC TO MR.M.RAMU, Advocate Sr. No. 99457

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 99997

ORDER MADE IN
W.P(MD) No.24398 of 2019
19.11.2019

PM(CO)

TR(05.12.2019) 3P 6C