



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.17681 of 2017

U.Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Srivilliputhur Taluk Office,
Srivilliputhur,
Virudhunagar District.

3.The Commissioner,
Srivilliputhur Municipality,
Municipality Office,
Srivilliputhur,
Virudhunagar District.

4.Rengasamy

... Respondents

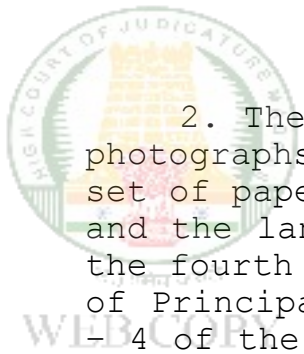
Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the third respondent to remove the encroachment made by the fourth respondent, based on the order passed by the second respondent in Na.Ka.No.Aa.1/11537/2016, dated 31.03.2017.

For Petitioner	: Mr.I.Velpradeep
For R1 to R3	: Mr.M.Murugan Government Advocate
For R4	: Mr.N.Balasubramanian

O R D E R

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

The petitioner by way of this writ petition seeks for a direction upon the official respondents to implement the order passed by the second respondent dated 31.03.2017. By the said order, the encroachment committed by the fourth respondent was directed to be removed. The encroachment is not by way of any construction, but by tying cows adjoining the petitioner's house property.



2. The learned counsel for the petitioner submitted that in the photographs taken in the year 2017, which was enclosed in the typed set of papers shows only four cows and as on date, more than 15 cows and the land is a Government property. It is further submitted that the fourth respondent filed a suit in O.S.No.318 of 2016 on the file of Principal District Munsif Court, Srivilliputhur and in paragraph - 4 of the plaint, the fourth respondent has admitted that the land belongs to the Highways Department. No person has any intangible right to occupy a Government property. If already the second respondent has ascertained that the fourth respondent is an encroacher, then without saying that the encroachment has to be removed, after issuing notice to the fourth respondent.

3. This direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Virudhunagar, Virudhunagar District.
 - 2.The Tahsildar, Srivilliputhur Taluk Office,
Srivilliputhur, Virudhunagar District.
 - 3.The Commissioner,
Srivilliputhur Municipality,
Municipality Office,
Srivilliputhur, Virudhunagar District.
- +1 CC to Mr.I.VELPRADEEP, Advocate SR-86256.
+1 CC to GP SR-86280.

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