



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.07.2019

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.19670 of 2017

P.Muthumadan

... Petitioner

vs.

- 1) The District Collector,
Theni.
- 2) The Tahsildar,
Periyakulam Taluk,
Madurai District.
- 3) The Inspector of Police,
Jayamangalam Police Station,
Theni District.
- 4) C.Vellaisamy
- 5) The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Periyakulam.
- 6) The Block Development Officer,
Periyakulam Taluk.

... Respondents

- RR 5 & 6 are suo motu impleaded vide Court order dated 01.10.2018 in W.P.(MD) No.19670 of 2018.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to take appropriate proceedings to remove all the encroachments put up by the fourth respondent adjacent to the petitioner's land (i.e.) Survey No.1699/2 in Jeyamangalam Bit II Village, Periyakulam, Theni within a stipulated time.



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For Petitioner : Mr.N.Karthik Kanna
For RR 1 to 3, 5 & 6 : Mr.VR.Shanmuganathan,
Special Government Pleader
For R4 : No Appearance

O R D E R

(Order of this Court was made by **K.RAVICHANDRABAABU, J.**)

The petitioner seeks for a Mandamus directing the second respondent to take appropriate proceedings to remove all the encroachments put up by the fourth respondent adjacent to the petitioner's land.

2. Heard the learned counsel for the petitioner and learned Special Government Pleader appearing for the respondents 1 to 3, 5 & 6. Though the fourth respondent was served with notice and he has engaged a counsel, nobody is appearing for the fourth respondent when the matter was taken up for hearing today.

3. It is the case of the petitioner that he is the owner of the land in Survey No.1699/2B2A & 1699/2B2B in Jeyamangalam Bit II Village, Periyakulam, Theni and the fourth respondent has put up an encroachment in the pathway, thereby preventing the petitioner from having access to his land. Ventilating such grievance, the petitioner made representations on 26.09.2014 and 16.11.2016 for removing such encroachments made by the fourth respondent and the last representation is also said to have been given on 05.09.2017. As none of those representations were considered, the petitioner filed the present writ petition with the relief as stated supra.

4. The Special Government Pleader, based on instructions, submitted that though there is no encroachment in S.No.1699/2 as claimed by the petitioner, at S.No.1698 there are some encroachments and therefore, the sixth respondent is the competent authority, who will look into it and take appropriate action to remove those encroachments.

5. Considering the above said facts and circumstances and more particularly, by considering the fact that the fourth respondent is not being represented to put forth his case, this Writ Petition is disposed of by directing the sixth respondent to take appropriate action for removal of the encroachment either in S.No.1699/2 as claimed by the petitioner or at S.No.1698 as contended by the learned Special Government Pleader after



following due process of law and such exercise shall be done by the sixth respondent within a period of four weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1) The District Collector,
Theni.
- 2) The Tahsildar,
Periyakulam Taluk,
Madurai District.
- 3) The Inspector of Police,
Jayamangalam Police Station,
Theni District.
- 4) The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Periyakulam.
- 5) The Block Development Officer,
Periyakulam Taluk.

+1 CC to SPL GP SR-77254.

Order made in
W.P. (MD) No.19670 of 2017

CS (06.08.2019) 3P 7C