



WEB COPY

WP(MD). No.23358 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Thirteenth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

AND

The Hon`ble Mr Justice B.PUGALENDHI

WP(MD). No.23358 of 2017

DHEIVAM,

... Petitioner

Vs

- 1.The District Collector, Madurai.
- 2.The Commissioner,
Madurai Corporation, Madurai
- 3.The Executive Engineer ,
Public Works Department, Tallakulam,Madurai
- 4.M/s.Group of Temple City
Rep. By its Managing Partner
Mr.Lakshmanakuamar.Opp.to M.G.R. Bus stand ,
(Mattuthavani Bus Stand)Madurai

... Respondents

Prayer :-

This petition filed under article 226 of Constitution of India directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Survey No.134/2A1 situate at Tallakulam village, Madurai North Taluk forthwith by considering the representation of the petitioner dated 04.09.2017.

ORDER : This Petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. J.Guna Seelan Muthaiah Additional Government Pleader for R1 to R3 and of Mr.K. Prabhu, Advocate for ISAAC CHAMBERS for R4, the Court made the following order

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the Executive Engineer, WRO, PWD, Periyar Vaigai Basin Division, Madurai - 625 002 has sent a communication dated 05.08.2019, to the Tahsildar, Madurai North, requesting him to issue Form - I with regard to encroachment in Tallakulam Puthukulam Konmai for the purpose of removal of encroachment and the report of the Tahsildar, Madurai North is



2.The third respondent has also filed an affidavit dated 07.08.2019 and it is relevant to extract paragraph No.3 of the said affidavit:

"3. I respectfully submit that subsequently, I sent notice to 2nd respondent Madurai Corporation Town Surveyor to survey the property and issue Form I. Subsequently on 23.07.2019 survey was made. But still now, Form I not issued by Town Surveyor. I sent reminder to Madurai Corporation on 26.07.2019. But they sent to reply on 30.07.2019 stating that Revenue Department competent authority to issue Form I. Following Corporation reply, I sent letter to Tahsildar, Madurai, North Taluk to issue Form - I. It is current position."

3.Call on 28.08.2019 for filing further affidavit of the third respondent with supporting documents as to the latest position.

4.It also appears from the submissions made by the respective learned counsel appearing for the official respondents that they are not even aware of whose land on which encroachments have been made and started putting blames upon each other. In the present scenario, the Principal Secretary, Public Works Department, Government of Tamil Nadu is directed to appear before this Court on 28.08.2019 to assist this Court.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector
Madurai.
- 2.The Commissioner,
Madurai Corporation, Madurai
- 3.The Executive Engineer ,
Public Works Department, Tallakulam,Madurai
- 4.The Principal Secretary, Public Works Department,
Government of Tamil Nadu Secretariate, Chennai



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5.M/s.Group of Temple City
Rep. By its Managing Partner
Mr.Lakshmanakuamar.Opp.to M.G.R. Bus stand ,
(Mattuthavani Bus Stand)Madurai

ORDER DATED : 13/08/2019

HEARING DATE : 28/08/2019

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ORDER
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KM(CO)
TR (26.08.2019) 3P 6C