

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 22.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.35764 of 2019

N.Kumaresan

Petitioner

...
versus

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Namakkal & District.

3.The Tahsildhar,
Rasipuram Taluk,
Namakkal District.

4.N.Senthil Kumar
5.K.Sundaramoorthy
6.K.Vedhamoorthy
7.S.Athiyappan

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3, particularly, the 3rd respondent to take necessary action to remove the encroachment made by the respondents 4 to 7 and other encroachers in Survey No.240/26, situated at R.Puthupalayam Village, Rasipuram Taluk, Namakkal District, on the basis of the proceedings of the 3rd respondent, vide Na.Ka.No.1249/2017/B3 dated 08.02.2017.

For Petitioner : Mr.R.Thanjan
For Respondent Nos.1 to 3: Mr.E.Balamurugan
Special Government Pleader
For Respondent No.6 : Mr.R.Murali

* * * * *

O R D E R

[Order of this Court was made by R.SUBBIAH,J.]

The petitioner has come up with the present Writ Petition for a Mandamus, directing the respondents 1 to 3, particularly, the third respondent to take necessary action

to remove the encroachment made by the respondents 4 to 7 and other encroachers in Survey No.240/26, situated at R.Puthupalayam Village, Rasipuram Taluk, Namakkal District, on the basis of the proceedings of the third respondent dated 08.02.2017.

2. The case of the petitioner is that he is owning a house property bearing Door No.8/80, Mariamman Koil South Side, R.Puthupalayam, Rasipuram Taluk, Namakkal District, comprised in Survey No.240/5, measuring an extent of 1480 sq.ft. He is also having a patta in Patta No.102 in his favour issued by the Zonal Deputy Tahsildar, Rasipuram. It is the further contention of the petitioner that in front of his house, there is a Government vast land bearing Survey No.240/26 and the said land is under the use of public at large. While so, now the respondents 4 to 7 have made an encroachment in the said Government land, by constructing drainage and thereby, blocked the road. In this regard, the petitioner has made representation to the respondents 1 to 3, but till date no action was initiated and hence, the petitioner is before this Court with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 as well as the learned counsel appearing for the sixth respondent and perused the materials available on record.

4. Today, when the matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that now the action for evicting the encroachment was initiated against the respondents 4 to 7 and they have already issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and after conducting enquiry, they fixed the date for removing the encroachment on 30.01.2020. He further submitted that the seventh respondent is concerned, he himself removed the encroachment.

5. Recording the above submission made by the learned Special Public Prosecutor appearing for the respondents 1 to 3, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sri

To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Namakkal & District.

3.The Tahsildhar,
Rasipuram Taluk,
Namakkal District.

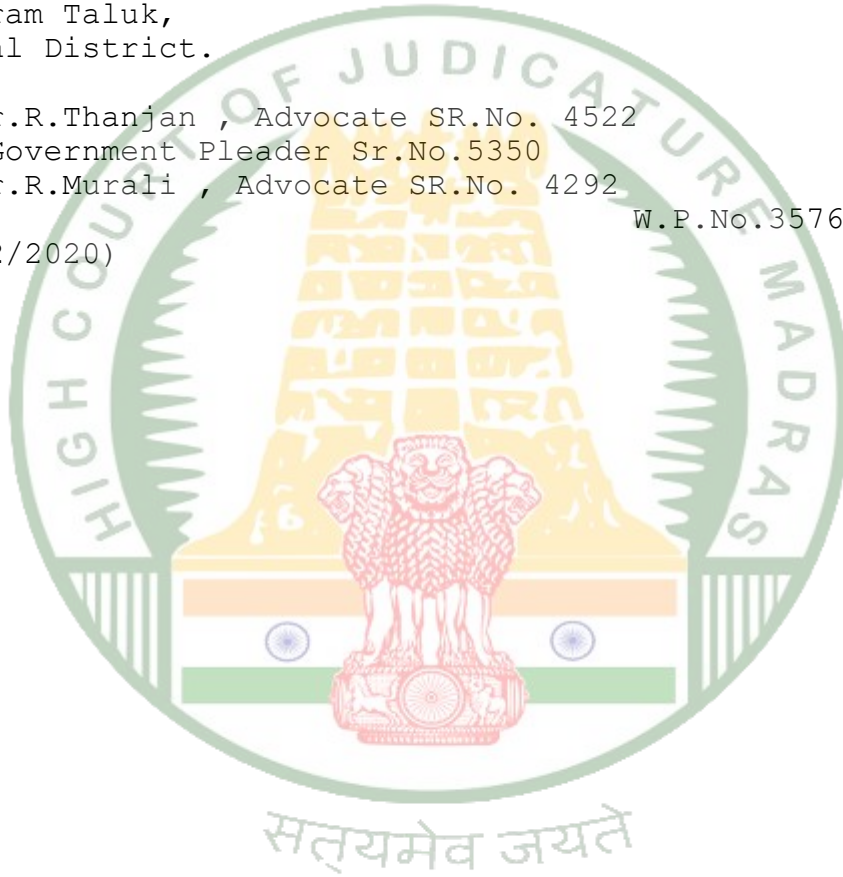
+1cc to Mr.R.Thanjan , Advocate SR.No. 4522

+1 cc to Government Pleader Sr.No.5350

+1cc to Mr.R.Murali , Advocate SR.No. 4292

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A.SK(20/02/2020)



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