



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.9612 of 2020

WEB COPY

Arokyasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Srirangam, Trichy District.

2.The Tahsildar,
Manaparai Taluk, Trichy District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to complete the enquiry and pass orders relating to the removal of encroachment in Pula No.397 situated at Anthonyiar Kovil West Street, Purathakudi, Palayakottai Village, Manaparai Taluk, Trichy District in the proceedings pending before him in O.M.U.A3-1646/2017, dated 13.06.2017 in the light of the communication issued to the petitioner, dated 13.06.2017 within a time frame as fixed by this Court.

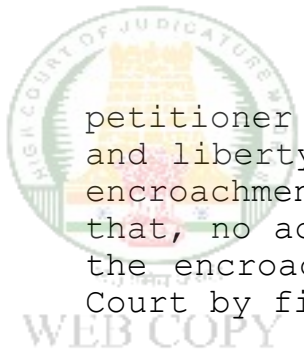
For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader

O R D E R

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

The petitioner claims to be a resident of Purathakudi, Palayakottai Village, Manaparai Taluk, Trichy District and according to him, one John Thomas had filed a suit in O.S.No.232 of 2017 on the file of the Court of Additional District Munsif, Manaparai, praying for permanent injunction restraining the defendants viz., the Collector, Trichy District, the District Revenue Officer, Trichy District, the Tahsildar, Manapparai, the Block Development Officer, Vaiyampatti Union, the Secretary, Panchayat Union of Palayakottai Village, the petitioner, Savarimuthu and Chinnappan, from interfering with the peaceful possession and enjoyment of the property comprised in old S.F.No.397, new S.F.No.662/18 admeasuring to an extent of 0.0075 sq.mt. situated in the said village. The suit was party contested and was decreed on 07.03.2020.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to Paragraph No.7(iii) of the judgment in O.S.No.232 of 2017 and would submit that the claim of the



petitioner that the suit property is a private lane has been negated and liberty was also granted to the Revenue Officials to remove the encroachment even by following the due process of law and despite that, no action has been taken by the official respondents to remove the encroachment and therefore, he is constrained to approach this Court by filing the writ petition.

3. The learned counsel appearing for the petitioner would submit that even as early as on 13.06.2017, the Revenue Divisional Officer, Srirangam has sent a communication to the second respondent, for taking appropriate action as to the allegation regarding the removal of encroachment in East Street in Survey No.397 and hence, prays for appropriate orders.

4. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents and would submit that in the light of the findings rendered in the above cited suit, due process of law would be followed for removal of the encroachment.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent as well as the Block Development Officer, Vaiyampatti Union, Trichy District, to follow the due process of law in the form of survey and if any encroachments are noted, remove the same, subjected to legal interdict if any, by adhering to the principles of natural justice and inform the decision taken, to the petitioner as well as the persons concerned including the encroachers. The said exercise shall be carried out within a period of ten Weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID -19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Revenue Divisional Officer,
Srirangam, Trichy District.

2.The Tahsildar,
Manaparai Taluk,
Trichy District.

3.The Block Development Officer,
Vaiyampatti Union,
Trichy District.

W.P. (MD) .No.9612 of 2020
20.08.2020

SPU (02.09.2020) 3P 4C