



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P (MD) No.15223 of 2021

WEB COPY

S.Rajini

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Pudukkottai District.

2.The Tahsildar,
Gandharvakottai Taluk,
Pudukkottai District.

3.The Block Development Officer,
Gandharvakottai,
Pudukkottai District.

4.The President,
Village Panchayat,
Pisanthur Village,
Gandharvakottai Taluk,
Pudukkottai District.

5.Karunanidhi

6.Rajendran

7.Jeyapal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to conduct the survey and fix the boundaries and consequently to remove the encroachment made in S.F.No.56 (Thiruvandikulam) of Pisanathur Village, Gandharvakottai Taluk, Pudukkottai District by the respondents 5 to 7.

For Petitioner

: Mr.K.Baalasundharam

For RR 1 to 4

: Mr.P.Thilak Kumar

Standing Counsel for Government

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the



respondents 1 to 4 to conduct the survey and fix the boundaries and consequently to remove the encroachment made in S.F.No.56 (Thiruvandikulam) of Pisanathur Village, Gandharvakottai Taluk, Pudukkottai District by the respondents 5 to 7.

2.The learned counsel appearing for the petitioner submitted that though the writ petitioner has given an application to the fourth respondent for surveying the land in S.F.No.56 and also paid necessary charges for the same on 04.06.2021, the fourth respondent has not surveyed the land yet.

3.Mr.P.Thilak Kumar, learned Standing Counsel for the Government taking notice for the respondents 1 to 4 submitted that the second respondent will survey the land and in case comes to the conclusion that there are encroachments in the land in S.F.No.56, the second respondent will initiate appropriate action to evict the encroachers in accordance with law.

4.Mr.K.Baalasundharam, learned counsel appearing for the petitioner submitted that the Writ Petition may be disposed of with a direction to the second respondent to survey the land. If the second respondent comes to the conclusion that there are encroachments, the same may be directed to be removed in accordance with law.

5.Having regard to the submissions made by the learned counsel appearing on either side, we direct the second respondent to conduct survey and fix the boundaries in S.F.No.56, after giving notice to all the parties and in the case of the second respondent finding any encroachment in the land in question, the second respondent shall initiate appropriate legal action against the encroachers for removing the encroachment. It is needless to mention that the second respondent shall complete the exercise as expeditiously as possible.

6.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



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 District Collector,
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Pudukkottai District.
- 2.The Tahsildar,
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Pudukkottai District.
- 3.The Block Development Officer,
Gandharvakottai,
Pudukkottai District.
- 4.The President,
Village Panchayat,
Pisanthur Village,
Gandharvakottai Taluk,
Pudukkottai District.

W.P (MD) No.15223 of 2021
25.08.2021

DJ(CO)
SB(02.09.2021) 3P 5C