



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.15666 of 2019

R.Ramasamy

.. Petitioner

Vs

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Tahsildar,
Ponnamaravathi,
Pudukottai District.
- 3.The Block Development Officer (Village Panchayat),
Ponnamaravathi,
Pudukottai District.
- 4.The Zonal Deputy Block Development Officer III,
(Village Panchayat),
Ponnamaravathi,
Pudukottai District.
- 5.The Zonal Revenue Inspector,
Ponnamaravathi,
Pudukottai District.

6.M.Chinnaiya ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent, comprised in S.No.255/10 situated at Theanoor Revenue Village, Aalavayal Circle, Ponnamaravathi Taluk, Pudukottai District within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.A.K.Manickam
Standing Counsel for Government
For R1 to R5
Mr.N.Balakrishnan,
For R6

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.Kannan, learned counsel for the petitioner,
Mr.A.K.Manickam, learned Standing Counsel for Government, appearing



for respondent Nos.1 to 5 and Mr.N.Balakrishnan, learned counsel for Respondent No.6.

2.This Writ Petition has been filed for a direction upon respondent Nos.1 to 5 to remove the encroachment made by the 6th respondent, comprised in S.No.255/10 situated at Theanoor Revenue Village, Aalavayal Circle, Ponnamaravathi Taluk, Pudukottai District.

3.The learned Standing Counsel for Government, appearing for respondent Nos.1 to 5 on instructions submitted that a reasonable time be granted to conduct survey and identify the encroachment, if any.

4.The learned counsel for the sixth respondent would submit that the sixth respondent has already filed a suit for declaration of title to the suit property and for permanent injunction in O.S.No.80 of 2019 on the file of learned District Munsif, Thirumayam and the suit has been posed on 24.08.2021 for filing written statement by the official defendants.

5.It is not clear as to whether any order of interim injunction was granted. In any event, if the authorities are defendants in the suit, they can very well conduct a survey and file a counter affidavit along with written statement. If no order of injunction was granted, the respondent officials can survey the property and take action in accordance with law.

6.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Pudukottai District,
Pudukottai.



2.The Tahsildar,
Ponnamaravathi,
Pudukottai District.

3.The Block Development Officer (Village Panchayat),
Ponnamaravathi,
Pudukottai District.

4.The Zonal Deputy Block Development Officer III,
(Village Panchayat),
Ponnamaravathi,
Pudukottai District.

5.The Zonal Revenue Inspector,
Ponnamaravathi,
Pudukottai District.

+1 CC to M/s.GP (SR-23315[F] dated 20/07/2021)

W.P. (MD) No.15666 of 2019
16.07.2021

_RD(30.07.2021) 3P 7C