



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.20014 of 2020

Samiyappan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Collectorate Buildings,
Sivagangai.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Tahsildhar,
Taluk Office,
Singampunari Taluk,
Sivagangai District.

5.The Block Development Officer/Commissioner,
Singampunari Panchayat Union,
Sivaganga District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments made by the encroachers in Survey Number 629 measuring to the extent of 8 acres 16 cents (3.30.5 Hectares) "Vettu Kanmai" which is situated in Arasinampatti Village, Sivapuripatti Village Panchayath, Singampunari Panchayat Union, Sivaganga District and to maintain the said Vettu Kanmai as a Kanmai alone, by sympathetically considering the representation of the petitioner dated 21.09.2020 and also to stipulate the Respondents No.1 to 5 to fix a time frame by this Court to remove the said encroachments.

For Petitioner

: Mr.K.R.Muthurasekaran

For Respondents 1 to 4

: Mrs.J.Padmavathidevi
Special Government Pleader



For 5th Respondent

: Mr.G.Arjunan

For Third Party

: Mr.Manoj
for Mr.R.Alagumani

WEB COPY

ORDER

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

The petitioner's grievance is with respect to the alleged encroachment said to have been made by the private individuals, who are not parties to the Writ Petition.

2.Learned counsel appearing for the petitioner submitted that despite the representation of the petitioner dated 21.09.2020, made to the respondents, no action is forthcoming.

3.Learned Special Government Pleader appearing for the respondents 1 to 4 submitted that already a show cause notice was issued to the encroachers and further orders would be passed within a reasonable time.

4.Mr.Manoj, learned counsel appearing for the alleged encroachers would submit that the averments made in the affidavit filed in support of the Writ Petition are not correct.

5.In as much as respondent No.4 has initiated action by issuing show cause notice to the alleged encroachers, the Writ Petition stands disposed of by directing the fourth respondent to pass appropriate final orders within eight weeks from the date of receipt of a copy of the order after considering the reply from the encroachers, if any. It is needless to state that if any encroachment has been found, necessary action will have to be taken in accordance with law. No costs.

Sd/-

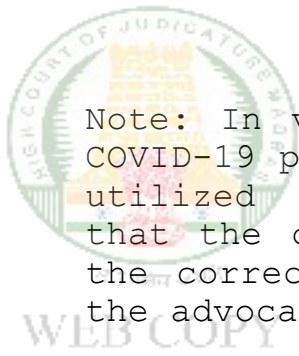
Assistant Registrar (CS-III)

// 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,
Sivagangai District,
Collectorate Buildings,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 4.The Tahsildhar,
Taluk Office,
Singampunari Taluk,
Sivagangai District.
- 5.The Block Development Officer/Commissioner,
Singampunari Panchayat Union,
Sivaganga District.

+1 CC to SGP (SR-2804,2886[F] dated 02/02/2021)

W.P. (MD)No.20014 of 2020
29.01.2021

KM (09.02.2021) 3P 7C