



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

**THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE**

AND

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD)No.20358 of 2021

M.Rajendrasethupathy

.. Petitioner

Vs.

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The District Revenue Officer,
Collectorate Office, Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.
4. The Tahsildar,
Alangudi Taluk, Pudukkottai District.
5. The Assistant Engineer (Survey),
Pudukkottai, Pudukkottai District.
6. The Assistant Director (Panchayat),
Pudukkottai, Pudukkottai District.

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 2 to 6 to survey and remove the encroachment caused on the Periyathal Kulam situated in Survey No.132 for the extension of 18.60.5 hectares at Senthangudi Village, Alangudi Taluk, Pudukkottai District, the Survey No.58 for the extension of 22.54.5 hectares at Nagaram Village, Alangudi Taluk, Pudukkottai District and the Survey No.166 for the extension of 11.87.5 hectares at Keeramangalam North Village, Alangudi Taluk, Pudukkottai District as well as the water channel situated in Survey Nos.88, 89, 91, 92, 93, 108, 109, 112, 113, 116, 117, 132, 133 and 199/2 situated at Senthangudi Village, Alangudi Taluk, Pudukkottai District within the stipulated time by this Court.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.P.Subbaraj

Special Government Pleader



ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

The writ petition has been filed seeking a direction to the respondents 2 to 6 to make a survey and remove the encroachment on the land in Survey No.132.

2. A reference of other survey numbers has been given to refer to the encroachment therein and thus, to remove with extension.

3. This Court passed an order on the earlier occasion when action taken report was submitted. As per the report, 61 encroachers have been identified and a request was sent to the fifth respondent to take appropriate action.

4. The matter was adjourned for today to find out the action taken by the fifth respondent. The learned Special Government Pleader appearing for the respondents seeks three months time to remove all the encroachments identified in the action taken report.

5. The learned counsel for the petitioner submits that in fact, in all, there are 95 encroachments and thus, all should be removed.

6. We consider the submissions of the parties and find that pursuant to the directions of this Court, an action taken report was submitted and based on the report, we find that there are 61 encroachers and after identifying the same, the matter was referred to the fifth respondent for action. Accordingly, we find that from the existing 95 encroachments as stated by the petitioner, after completing survey and report submitted, 61 encroachments have been identified.

7. In view of the above, those encroachments need to be removed. The matter has already been sent to the fifth respondent for action. Now the prayer has been made to allow three months time to remove the encroachments.

8. In view of the above, this writ petition is disposed of with the directions to the fifth respondent to remove all the encroachments identified in the survey with the report to it for further action in the matter. The encroachments be accordingly removed within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

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 District Collector,
Pudukkottai District,
Pudukkottai.
2. The District Revenue Officer,
Collectorate Office,
Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
4. The Tahsildar,
Alangudi Taluk,
Pudukkottai District.
5. The Assistant Engineer (survey),
Pudukkottai,
Pudukkottai District.
6. The Assistant Director (Panchayat),
Pudukkottai,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-39973[F] dated 22/12/2021)

+1 CC to M/s.M.RAMU, Advocate (SR-39939[F] dated 22/12/2021)

W.P. (MD)No.20358 of 2021

21.12.2021

USK (31.12.2021) 3P 9C