



W.P.(MD) No.9773 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.9773 of 2022

C.Krishnasamy

... Petitioner

-vs-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Revenue Divisional Officer
Sathur Town
Virudhunagar District

3.The Tahsildar
Taluk Office
Rajapalayam Town
Virudhunagar District

4.The Special Tahsildar (ADW)
Office of the Special Tahildar (ADW)
Srivilliputtur Town
Station at Rajapalayam Town
Virudhunagar District

5.Thangaraj

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 herein to remove the encroachment made by the fifth respondent in the area left for public purpose in S.No.8/2C, 8/4A & 8/4B in Chettiyarpatti Village, Rajapalayam Taluk, within a time frame.

For Petitioner : Mr.Thirunavukkarasu.M.

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
No appearance for R5

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fifth respondent in the area left for public purpose in S.Nos.8/2C, 8/4A & 8/4B of Chettiyarpatti Village, Rajapalayam Taluk, within a time frame.



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2. According to the petitioner, the fifth respondent's wife was given free house site patta by the Adi Dravidar Welfare Department in respect of Plot No.37 in the aforesaid survey numbers and abutting to the said plot, there is a vacant land for about four cents earmarked for public usage, over which, the fifth respondent has put up a tin shed and despite the authorities surveyed the said land and stated that the tin shed put up by the fifth respondent is an encroachment, till date, it has not been removed. Hence, this writ petition.

3. The learned Government Pleader appearing for the respondents 1 to 4 has produced a copy of the proceedings of the third respondent in Na.Ka.A6/02/2022, dated 13.11.2022, addressed to him and submitted that the aforesaid survey numbers are classified as Adi Dravidar Colony Natham in the revenue records and it cannot be treated as encroachments, however, since the petitioner alleges encroachment of public place by the fifth respondent, the authorities concerned will conduct a survey in the land in question and after conducting a survey, if there is any encroachment as projected by the petitioner, the same would be removed forthwith, by due process of law.



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4. In view of the above submissions, the authority concerned is directed to conduct a survey in the vacant place adjacent to Plot No.37 said to be earmarked for public usage and if there is any encroachment, as projected by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

14.11.2022

Index : Yes / No
Internet : Yes / No

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To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sathur Town,
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- 3.The Tahsildar,
Taluk Office,
Rajapalayam Town,
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- 4.The Special Tahsildar (ADW),
Office of the Special Tahildar (ADW),
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