



W.P(MD)No.9098 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

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

W.P(MD)No.9098 of 2019

C.Ravichandran

... Petitioner

VS.

1. The District Collector,
Trichy District,
Trichy.
2. The Commissioner,
Trichy Corporation,
Trichy.
3. The Special Thasildar,
Natham Land Settlement Scheme,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to remove the illegal encroachments made by the 2nd respondent in the petitioner's patta land situated in Old S.No. 220(Part) New S.No.220/1 an extent about 2153 sq.feet and new

1/7



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S.No.220/2 an extent about 2153 sq.feet at Pappakurichi Village, Trichy Taluk and District by way of erecting the fencing stones around subject patta land as illegally within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 1st respondent to remove the illegal encroachments made by the 2nd respondent in the petitioner's patta lands situated in Old S.No.220(Part) New S.No.220/1 an extent about 2153 sq.feet and New S.No.220/2 an extent about 2153 sq.feet at Pappakurichi Village, Trichy Taluk and District, by erecting the fencing stones around the subject patta lands illegally, within a time frame.

2. This Court by order dated 27.06.2019 has passed the



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"According to the petitioner, the second respondent Corporation has encroached upon his patta land in Survey No.220/1 at Papakurichi Village, Trichy Taluk and District and put up a fence therein.

2.On the other hand, the counter filed by the second respondent states that the property fenced by the second respondent lies in Survey No.221/1 and not in Survey No. 220/1, as alleged by the petitioner. Therefore, it is evident that there is a confusion in identification of the respective property belonging to the petitioner and the second respondent. Therefore, it is for the concerned Revenue Tahsildar to inspect and measure the property and file a report before this Court, with a clear indication as to whether the fencing made by the second respondent Corporation lies at S.No.220/1 or 221/1.

3.Accordingly, the Tahsildar, East of Trichy, is directed to inspect the property and measure the same with the help of Taluk Surveyor and file a report before this Court as indicated supra. Such exercise shall be done by the said official, within a period of two weeks from the date of receipt of a copy of this order. The learned Government Advocate, who is appearing for the respondents 1 to 3 is directed to communicate this order to the said official,



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4.Post the mater after two weeks."

3. Pursuant to the aforesaid order, the Tahsildar, Thirverumbur, has addressed a communication to the Registrar, Madras High Court, Madurai Bench, in Na.Ka.A1-2916-2019, dated 05.07.2019 wherein, it is stated that as per the aforesaid order, a survey was conducted in the lands in S.Nos.220/1 and 221/1, Pappakurichi Village, Trichy Taluk and District, wherein, it was found that there was no encroachment by the 2nd respondent as alleged by the petitioner.

4. Though the aforesaid proceedings states that the 2nd respondent has not made any encroachment in S.Nos.220/1 and 221/1, the petitioner has sought for removal of encroachment in S.Nos.220/1 and 220/2.

5. Today, when the writ petition was taken up for hearing,



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learned Additional Government Pleader appearing for the respondents submitted that the authorities concerned will conduct a survey of the lands in S.Nos.220/1 and 220/2 and will take appropriate action for removal of encroachment, if any therein, by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

6. In view of the above submissions, the authorities concerned after issuing notice to the petitioner and other interested parties, if any, shall conduct a survey of the lands in S.Nos.220/1 and 220/2 in the presence of all the parties concerned. If there is any encroachment as claimed by the petitioner, the authorities concerned shall take necessary action for removal of the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of.



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WEB COPY No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
18.11.2022

Index : Yes / No
Internet : Yes
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To

1. The District Collector,
Madurai District.
2. The Revenue Divisional Officer,
Melur at Y.Othakkadai,
Madurai District, Madurai.
3. The Thasildar,
O/o. The Thasildar,
Melur-625 106, Madurai District.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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DATED : 18.11.2022