



W.P.(MD) No.572 of 2018

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.572 of 2018
and W.M.P.(MD)No.572 of 2018

A.Mariappan

... Petitioner

Vs.

1.The District collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
V.K.Pudur Taluk, Surandai,
Tirunelveli District.

3.The Executive Officer,
Surandai Town Panchayat,
V.K.Pudur Taluk,
Tirunelveli District.

4.A.Balasubramanian

... 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 to remove the encroachment made by the 4th Respondent in Survey No.127/8, Thiruvalluvar Street, Sivagurunathapuram, VK Pudur, Tirunelveli District in the light of the proceeding of the 2nd respondent dated 21.10.2017.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 & R2
Mr.J.Gunaseelan Muthiah for R3
Mr.S.Ramesh Babu for R4

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Survey No.127/8, Thiruvalluvar Street, Sivagurunathapuram, VK Pudur, Tirunelveli District, in the light of the proceeding of the 2nd respondent dated 21.10.2017.



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2. It is the case of the petitioner that the fourth respondent has made an encroachment in the aforesaid survey number and in this regard, the petitioner made several representations to the respondents. Pursuant thereto, the second respondent vide his proceedings dated 21.10.2017, directed the third respondent to remove the encroachment made by the fourth respondent. Thereafter, no steps were taken by the respondents to remove the said encroachment. Hence, the petitioner has filed this Writ Petition.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the encroachment pointed out by the petitioner has already been removed, which was denied by the learned counsel for the petitioner.

4. In view of the above submissions, this Writ Petition is disposed of with a direction to the first respondent to issue necessary direction to the Commissioner, Surandai Municipality to conduct a survey in the place in question, within a period of two (2) weeks from the date of receipt of a copy of



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this order, in the presence of all the parties concerned. If the survey reveals any encroachment, the Commissioner, Surandai Municipality, shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law within a period of six (6) weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

5. Post the matter after eight (8) weeks “for reporting compliance”.

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

vsm

18.11.2022

Note: Registry is directed to mark a copy of this order to the Commissioner, Surandai Municipality.



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To

- 1.The District collector,
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Tirunelveli.
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Tirunelveli District.
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vsm

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