



W.P(MD)No.13958 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13958 of 2015

Shanmugathai

... Petitioner

Vs.

1.The District Revenue Officer,
Kokkirakulam,
Tirunelveli -9.

2.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.

3.Ganesh Pandian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to implement the order of the 1st respondent in Ni.Mu.E1/46452/2013 dated 14.03.2014.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R2.
No appearance for R3.



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ORDER

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Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2. The third respondent has been served but he has not chosen to enter appearance.

2.The petitioner was granted assignment originally. That was challenged by the third respondent. The District Revenue Officer, Tirunelveli passed order dated 14.03.2014 cancelling the assignment. That issue has become final.

3.However in the said order, it has been mentioned that encroachments in S.No.1149/1 in Vannikonenthal Village, Sankarankovil Taluk should be removed.

4.The grievance of the petitioner is that since the said survey number has been shown as pathway, encroachment cannot be permitted. He only wants the respondents to implement their own proceedings.



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5.No exception can be taken to the said request. If the petition mentioned survey number has been classified as pathway, then encroachment thereon ought to be cleared. The respondents 1 and 2 are directed to adhere to due process of law, issue notice to the encroachers and clear the encroachments in the petition mentioned land. This exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order. It is stated by the learned counsel for petitioner that there has been a bifurcation of taluk limits and that the jurisdictional Tashildar is the Tashildar, Manur. The Tahsildar, Manur shall comply with this direction. The Registry is directed to mark a copy of this order to the Tashildar, Manur Taluk, Tirunelveli District.

6.This writ petition is allowed accordingly. No costs.

17.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Revenue Officer,
Kokkirakulam,
Tirunelveli -9.

2.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.

Copy to:-

The Tashildar,
Manur Taluk,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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