



W.P(MD)No.16045 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.16045 of 2015

M.Syed Ahmed Rowther @ M.S.Rowther

... Petitioner

vs.

1. District Collector,  
Pudukottai and District.

2. Revenue Divisional Officer,  
Aranthangi and Taluk,  
Pudukottai District.

3. Tahsildar,  
Manamelkudi and Taluk,  
Pudukottai District.

4. S.Y.N.Kalandhar Naina Mohammed

5. S.Y.N.Jaffarullah

6. S.Y.N.Mohammed Fathima

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the  
Constitution of India, for issuance of a Writ of Mandamus, directing



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the respondents 1 to 3 to consider the petitioner's representation dated 25.06.2015 to carry out eviction of encroachment in S.No.225, Pallivasal Kulam, at Vichur Theppanthavayal, S.No.101 Pallivasal Kulam at Thandalaivattam, in S.No.226 'Vari' at Thandalaivattam.

|                |                     |
|----------------|---------------------|
| For Petitioner | : Mr.N.Balakrishnan |
| For R1 to R3   | : Mr.P.T.Thiraviyam |
|                | Government Advocate |
| For R4 & R5    | : Mr.S.Vinoth Kumar |

**ORDER**

**(Order of the Court was made by D.KRISHNAKUMAR, J.)**

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 25.06.2015 to carry out eviction of encroachment in S.No.225, Pallivasal Kulam, at Vichur Theppanthavayal, S.No.101 Pallivasal Kulam at Thandalaivattam, and S.No.226 'Vari' at Thandalaivattam.

2. Despite the writ petition is pending for more than seven years, till date, the official respondents have not chosen to file counter



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affidavit. We seriously deprecate the attitude of the official respondents in not filing the counter affidavit till date. Thus, we direct the District Collector to take necessary action against the officers concerned for not filing the counter in this case.

3. However, learned Government Advocate appearing for the official respondents, on instructions, submitted that now the action is taken by the authority concerned for removal of encroachment in the place in question and the same will be done by due process of law within a time frame to be fixed by this Court.

4. In the light of the aforesaid submission, we direct the 3<sup>rd</sup> respondent/Tahsildar to conduct a survey in S.No.225, Pallivasal Kulam, at Vichur Theppanthavayal, S.No.101 Pallivasal Kulam at Thandalaivattam, and S.No.226 'Vari' at Thandalaivattam and demarcate the boundaries of the same in the presence of all the parties concerned after putting them on notice. If there is any encroachment in the said survey numbers, the same shall be



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removed, after providing sufficient opportunity to all the encroachers 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. The 2<sup>nd</sup> respondent is directed to monitor the eviction proceedings and ensure that all the encroachments are removed within the aforesaid stipulated time. If appropriate action is not taken for removal of encroachment within the stipulated time, it is made clear that this Court will take very serious view against the 2<sup>nd</sup> respondent.

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

No costs.

**[D.K.K.,J.] & [R.V.,J.]**  
**23.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
bala

To

1. District Collector,  
Pudukottai and District.

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2. Revenue Divisional Officer,  
Aranthangi and Taluk,  
Pudukottai District.

3. Tahsildar,  
Manamelkudi and Taluk,  
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**and**  
**R.VIJAYAKUMAR, J.**

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**ORDER MADE IN**  
**W.P(MD)No.16045 of 2015**  
**DATED : 23.01.2023**