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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.02.2017
CORAM:
THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN
W.P(MD)No.2395 of 2017

S.Subbiah .. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

2.The Tahsildhar,
Ambasamudram Taluk,
Ambasamudram, Tirunelveli District.

3.The Divisional Engineer,
Highways (Construction & Maintenance),
Palayankottai - 627 002, Tirunelveli.

4.The Asst. Divisional Engineer,
Highways Department (C&M),
Ambasamudram, Tirunelveli District.

5.The Correspondent,
Amali Girls Hr. Sec. School,
Ambalavanapuram,
Vickramasingapuram - 627 425,
Ambasamudram Taluk, Tirunelveli District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondents to provide necessary assistance to the respondents 3 and 4 to remove the encroachments made in road poramboke lands in Survey Numbers 386/2, 388/3, 388/5 and 389/2 and 3 of Vikramasingapuram Part-I Village in Iruthayakulam-Varagapuram road.

For Petitioner : Mr.P.Subbiah
For Respondents 1 to 4 : Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachments alleged to have been made in Survey

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Nos.386/2, 388/3, 388/5 and 389/2 and 3 of Vikramasingapuram Part-I Village, Ambasamudram Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the writ petition and also classification of four survey numbers mentioned therein, notice need not be sent to the fifth respondent.

3.The learned counsel appearing for the petitioner has contended to the effect that the District Revenue Officer, Tirunelveli after considering the classification of four survey numbers has submitted a report to the District Collector, Tirunelveli, wherein except Survey No.389/2, the remaining survey numbers have been shown as cart track and further the said survey numbers belong to the Government and under the said circumstances for removal of encroachments, the present writ petition has been filed.

4.It is seen from the order passed by the District Revenue Officer, Tirunelveli that Survey Nos.386/2, 388/3, 388/5 and 389/3 have been shown as poromboke cart track.

5.Considering the classification of the said survey numbers and also considering the contention putforth on the side of the petitioner, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed in part without costs and the second respondent viz., Tahsildhar, Ambasamudram Taluk, Tirunelveli District is directed to conduct proper survey in respect of Survey Nos.386/2, 388/3, 388/5 and 389/3, Vikramasingapuram Part-I Village, Ambasamudram Taluk, Tirunelveli District and if there is any objectionable encroachment, directed to remove the same under due process of law within a period of two months.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

2.The Tahsildhar,
Ambasamudram Taluk,
Ambasamudram, Tirunelveli District.

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Highways (Construction & Maintenance),
Palayankottai - 627 002, Tirunelveli.

4.The Asst. Divisional Engineer,
Highways Department (C&M),
Ambasamudram, Tirunelveli District.

+1cc to Mr.P.Subbiah,Advocate,SR No.8128
+1cc to Special Govrnment Pleader,SR No.8046

ORDER MADE IN
W.P(MD)No.2395 of 2017
13.02.2017

SMN
MS/SKN.RSK/SAR3/14.2.2017/3P.7C

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