

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2015

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17863 of 2015
and M.P.No.1 of 2015

1. Mani
2. Nagan
3. Unnamalai

[Petitioners]

Vs

1. The District Collector,
O/o The District Collector,
Thiruvannamalai 606 601.
 2. The Block Development Officer
(Village Panchayat)
Polur Panchayat Union,
Polur,
Thiruvannamalai District.
 3. The Panchayat President,
Narasingapuram Panchayat,
Kuppam, Narasingapuram Madhura,
Polur Taluk, Thiruvannamalai District.
 4. The Village Administrative Officer,
Narasingapuram Village & Post,
Polur Taluk, Thiruvannamalai District.
- [Respondents]

PRAYER : The Writ petition is filed under Article 226 of the Constitution of India praying for a Writ of mandamus directing the 1st and 2nd respondents to remove construction made in Survey No.220-A in Narasingapuram Village and Post, Polur Taluk, Thiruvannamalai District, by 3rd respondent without following the statutory provision under Tamil Nadu Panchayat Act, 1984.

For Petitioners : Mr.Thomas T.Jacob
For Respondents : Mr.M.Digvijayapandian,
Additional Government Pleader

O R D E R

Heard Mr.Thomas T.Jacob, learned counsel for the petitioners and Mr.M.Digvijayapandian, learned Additional Government Pleader, who took notice for the respondents and with their consent, the main writ petition is taken up for final disposal.

2. This writ petition has been filed seeking a writ of mandamus directing the the 1st and 2nd respondents to remove construction in Survey No.220-A in Narasingapuram Village and Post, Polur Taluk, Thiruvannamalai District put up by the 3rd respondent without following the statutory provision under Tamil Nadu Panchayat Act, 1984.

3. It is not known on what basis the petitioners have come before this Court, after allowing the construction of the building to the higher level. Therefore, this Court is not in a position to go into the disputed question as to whether the petitioners are the real owners or the 3rd respondent has encroached into the petitioners property. It is for the petitioners to approach the appropriate Civil Court.

4. In view of the above, this Court is not inclined to entertain the writ petition and hence the same is dismissed. However, liberty is given to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector,
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Thiruvannamalai 606 601.
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(Village Panchayat)
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Narasingapuram Village & Post,
Polur Taluk, Thiruvannamalai District.

+1cc to M/s. Thomas T. Jacob, Advocate, S.R.No.30962
+1cc to the Government Pleader, S.R.No.30871

RSK(CO)
EU(01/07/2015)

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