



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.07.2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.12912 of 2015

R.Athi Parameswaran

... Petitioner

Vs

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Block Development Officer(Village Panchayat),
Valliyoor Panchayat Union,
Valliyoor Post 627 117, Tirunelveli District.

3. The President,
Levingipuram I Grade Village Panchayat,
Levingipuram Post - 627 114,
Tirunelveli District.

... Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 01.08.2014 and to remove the obstruction and other encroached constructions made in Levingipuram Village, Radhapuram Taluk, tirunelveli District.

For Petitioner

... Mr.M.Saravanakumar

For Respondents

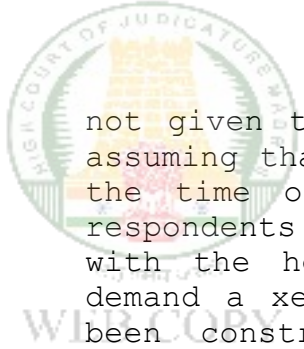
... Mr.T.R.Janarthanam
for R.1... Mr.V.Muruganantham
for R.2 and R.3

O R D E R

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 01.08.2014 and to remove the obstruction and other encroached constructions made in Levingipuram Village, Radhapuram Taluk, Tirunelveli District.

2.Mr.T.R.Janarthanam, learned Additional Government Pleaader, takes notice for the first respondent and Mr.V.Muruganantham, learned Additional Government Pleader, takes notice for the respondents 2 and 3 and by consent of both parties, the writ petition itself is taken up for final disposal.

3.The petitioner has come forward with the aforesaid prayer. The petitioner, even though has come forward seeking a direction to consider and dispose of his representation dated 01.08.2014, the petitioner has



not given the details of Survey Number for the land in question. Even assuming that the petitioner has not given the details of the persons, at the time of evicting the encroachers, it is the duty cast upon the respondents to inform the encroachers and residents and measure the area with the help of the Government Surveyor. The respondents can also demand a xerox copy of the plan, based on which the constructions have been constructed and thereafter the decision will be taken. The respondents should ensure that the buildings are encroached as per plan.

4. But, in this case, a bald allegation has been made and the Survey Number of the land has also been not mentioned. Even though the petitioner has come forward with the prayer for disposal of the representation, this Court is not inclined to grant the relief as such. Hence, the Writ Petition is dismissed.

5. However, the order of dismissal will not preclude the petitioner in making a fresh representation by giving all the particulars vi., the survey numbers, the survey if any conducted by the Authority concerned, the details of door numbers of the residents who have encroached the place and the police assistance if any for conducting survey, to enable the respondents to take action and if such representation is made, it is open to the respondents to consider the same in accordance with law and pass appropriate orders. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Block Development Officer (Village Panchayat),
Valliyoar Panchayat Union,
Valliyoar Post 627 117, Tirunelveli District.
3. The President,
Levingipuram I Grade Village Panchayat,
Levingipuram Post - 627 114,
Tirunelveli District.

+1cc to Mr.M.Saravanakumar, Advocate SR.No.41188

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NS/18.08.2015 : 2p/5c