

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.7868 of 2016

P.Gopal

...Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Revenue Divisional Officer,
Sankari, Salem District.
3. The Tahsildar,
Sankari, Salem District.
4. The Executive Officer,
Thevur Town Panchayat,
Sankari Taluk, Salem District.
5. Chinna Mari

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 4 to remove the obstructions put up by the fifth respondent, by implementing the resolution, dated 18.11.2015, passed by the fourth respondent.

For Petitioner : Mr.N.Senthil Kumar

For Respondents 1 to 3 : Mr.M.L.Mahendran
Government Advocate

For Respondent - 4 : Mr.D.Suriyanarayanan

O R D E R

The petitioner has filed this Writ Petition for issuance of mandamus upon respondents 1 to 4 to remove the obstructions put up by the fifth respondent, who has encroached into the public road.

2. Heard the learned counsel appearing for the petitioner.

3. The fourth respondent Town Panchayat has taken a decision to remove the encroachments, and a resolution to that effect has been passed on 18.11.2015. The petitioner's grievance is that, in spite of such resolution, till date, no action has been initiated, and rather, the fourth respondent and other Officials are remaining as silent spectators to the illegality committed by the fifth respondent, who has put up the construction on the Panchayat Road.

4 The learned Government Advocate appearing for respondents 1 to 3 has produced a written instructions given to him by the Tahsildar, Sankari, Salem District, viz., the third respondent herein, from which, it is clear that the fifth respondent is an encroacher, and the patta, bearing No.1842, has been issued in favour of the fourth respondent, and the actual owner of the land, is the fourth respondent/Town Panchayat. In such circumstances, it is not known as to why, no action has been initiated to remove the encroachments.

5. The learned counsel appearing for the fourth respondent submitted that, they are awaiting Surveyor's report, and as soon as they obtain the same, they will take appropriate action.

6. Since the Writ Petition is disposed of, without notice to the fifth respondent, no positive direction for initiating action against him could be passed.

7. In the light of the above, the respondents 3 and 4 are directed to coordinate in the matter, and take appropriate action to ensure that the Panchayat Road is free from all encroachments, and the said exercise should be done only after issuing notice to all the parties concerned, including the fifth respondent. The aforesaid exercise shall be complied with by respondents 3 and 4 within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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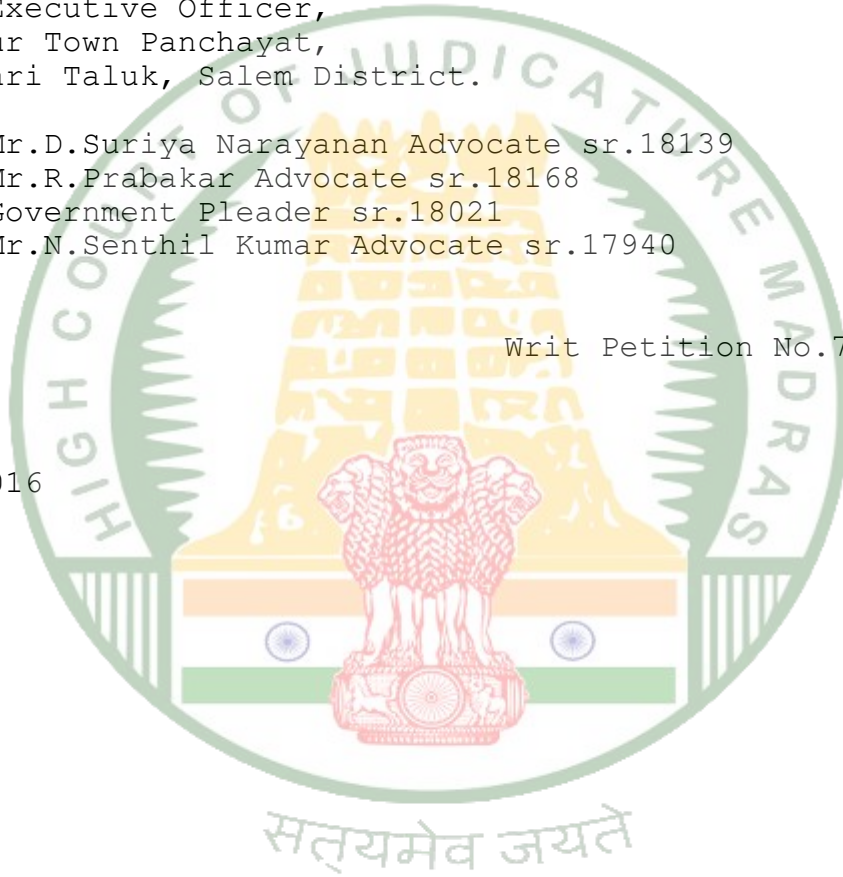
To

1. The District Collector,
Salem District, Salem.
2. The Revenue Divisional Officer,
Sankari, Salem District.
3. The Tahsildar,
Sankari, Salem District.
4. The Executive Officer,
Thevur Town Panchayat,
Sankari Taluk, Salem District.

+1 cc to Mr.D.Suriya Narayanan Advocate sr.18139
+1 cc to Mr.R.Prabakar Advocate sr.18168
+1 cc to Government Pleader sr.18021
+1 cc to Mr.N.Senthil Kumar Advocate sr.17940

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