



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM :

WEB COPY THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

Writ Petition (MD) No.1374 of 2016
and
W.M.P (MD) No.1156 of 2016

Shanmugam

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.
2. The Tahsildar,
Kumbakonam Town,
Thanjavur District.
3. The Municipality Commissioner,
Kumbakonam Municipality,
Municipality Office,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from demolishing the Hotel of the Petitioner situated in Survey No.302 303 304 305 306 307 situated in Kumbakonam Town Thanjavur District without surveying the said property and without following the provisions of Tamil Nadu without surveying the said property and without following the provisions of Tamil Nadu Land Encroachment Act 1905 and without adopting the due process of law.

For Petitioner	: Mr.R.Maheswaran
For Respondents R1&R2	: Mr.C.Selvaraj, Special Government Pleader.
For 3 rd Respondent	: Mr.M.Rajarajan

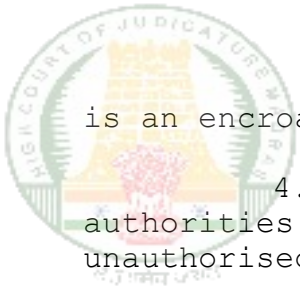
ORDER

(Order of the Court was made by The Hon'ble The Chief Justice)

A grievance is made by the petitioner about threatened demolition action at the back of the building to the extent of three feet.

2.The petitioner has not filed any sanctioned plan to show whether this three feet is within the sanction or outside the sanction.

3.Learned counsel makes a grievance that the construction at the site even of other persons is in a straight line. Thus, if his property



is an encroachment, the others must have also been encroachments.

4. Insofar as that plea is concerned, we direct the respondent authorities to treat everyone equally and wherever there is any unauthorised construction be removed, equally.

5. The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.1156 of 2016 is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District.
2. The Tahsildar,
Kumbakonam Town,
Thanjavur District.
3. The Municipality Commissioner,
Kumbakonam Municipality,
Municipality Office,
Thanjavur District.

- + 1 CC TO MR.MAHESHWARAN, ADVOCATE IN SR NO. 4316
- + 1 CC TO MR.M.RAJARAJAN, ADVOCATE IN SR NO.4167
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 4274

SMS/GB

TE/PM-MP/ : 09/02/2016 : 2P/7C

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