



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.17775 of 2016
and
W.M.P. (MD) No.12815 of 2016

Karunamoorthi

... Petitioner

-vs-

1.The District Collector
Thanjavur District
Thanjavur

2.The Block Development Officer
Panchayat Union office
Pangal Building, Thanjavur

3.The President
Nanchikottai Panchayat
Panchayat Union Office
Nanchikottai Road
Thanjavur

4.Anbalagan
General Secretary
Thanjavur Bank Staff Employee Association
19/2480, Javuli Chetti Street
Thanjavur

5.Shanmugan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents No.1 to 3 to consider the representation of the petitioner, dated 03.09.2016 and to remove the encroachment made by the 5th respondent and restore the land in Survey No.60/6I situated in Bank Staff Colony, Nanchikottai Panchayat, Matha Kottai Road, Thanjavur District for common purpose for which land was allotted earlier at the time of layout approval.



For Petitioner : Mr.S.Prabhu

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader for R1 to R3

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O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents 1 to 3 and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner claims that he is the resident of Bank Staff Colony situated at Matha Kottai Road, Thanjavur, Thanjavur District, and he is also the Secretary of Residents Welfare Association of the said Colony and according to him during 1988, the fourth respondent had formed the Layout known as Bank Staff Colony with 582 plots and 12 streets and in the said Layout two places, each admeasuring to an extent of 7,500 sq.ft., were earmarked for common purpose, of which one is at the second street and the another one is at the tenth street. The petitioner would further submit that in the common purpose area, situated in the tenth street, an overhead tank was constructed by the Panchayat for the use of public and the remaining area is used for common purpose and similarly in the common purpose area, situated in the second street, a Temple, admeasuring to an extent of 3600 sq.ft., was built by the Residents Welfare Association and the remaining area is used for children's park.

3. The grievance of the petitioner is that the fifth respondent brought a machine for the purpose of erecting a borewell in the said common purpose area and in this regard, he submitted a representation, dated 03.09.2016, to the respondents 1 to 3 for taking appropriate action and despite receipt of the same, they have not taken any action and hence he has filed this writ petition.

4. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the merits of the claim projected by him either in his representation or in the writ petition, this Court directs the third respondent to consider his representation, dated 03.09.2016, in accordance with law, after putting the fourth and



fifth respondents on notice, and pass orders within a period of ten weeks from the date of receipt of a copy of this Order and communicate the decision taken to the petitioner as well as the fourth and fifth respondents. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Block Development Officer,
Panchayat Union Office,
Pangal Building, Thanjavur.
- 3.The President,
Nanchikottai Panchayat,
Panchayat Union Office,
Nanchikottai Road,
Thanjavur.

+1cc to Mr.S.Prabhu, Advocate SR.No.55064
+1cc to special Government Pleader SR.No.55615

krk
sm:GSV-PM:SAR 2:30/09/2016:3P/6C

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