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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2016

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.6911 of 2013

A.Ramakrishnan

... Petitioner

-vs-

1. The Director of Town Panchayats,
Kuralagam, Chennai - 600 018.
2. The Assistant Director of Town Panchayats,
Madurai - 625 020.
3. The District Collector,
Theni District, Theni.
4. The Tahsildar,
Theni.
5. Veerapandi Town Panchayat,
rep.by its Executive Officer,
Veerapandi, Theni District.

6.Uma Natesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 to consider the petitioner's representation dated 29.12.2012 to remove the encroachment made by the 6th Respondent in Periya Vaikkal Street and the eastern lane abutting her house situated in S.No.2093/19, Muthuthevanpatti, Veerapandi Town Panchayat, Theni District.

For Petitioner : Mr.R.Subramanian

For RR - 1 to 4 : Mr.D.Murugananham
Additional Government Pleader

**O R D E R**

This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue necessary direction to the respondents 1 to 5 in the form of Writ of Mandamus, to remove the encroachments made by the sixth respondent in Periya Vaikkal Street and the eastern lane situated on the eastern side of her house.

2.It is averred in the petition that the house of the sixth respondent is situate in Survey No.2093/19, Muthuthevanpatti, Veerapandi Town Panchayat, Theni District. Further it is averred in the petition that the sixth respondent has encroached the lane situated on the eastern side of her house. Under the said circumstances, a representation dated 29.12.2012 has been given to the respondents 1 to 5. But no action has been taken. Therefore, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended that even though a representation has been given on 29.12.2012 with regard to encroachment alleged to have been made by the sixth respondent, no action has been taken. Under the said circumstances, the present Writ petition has been filed for getting the relief sought therein.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 has represented that already a road has been laid and the same belongs to Village Panchayat and at the time of laying road, the encroachment alleged to have been made by the sixth respondent is found out. But the sixth respondent has represented that she has put up construction in accordance with the measurements given in her sale deed.

5.Considering the fact that a representation dated 29.12.2012 has been given to the respondents 1 to 5 with regard to encroachment alleged to have been made by the sixth respondent, this Court is of the view to give necessary direction to the respondents 1 to 5.

6.In fine, this writ petition is allowed without cost. The respondents 1 to 5 are strictly directed to look into the representation dated 29.12.2012 alleged to have been given by the petitioner and also directed to remove the encroachments if any made by the sixth respondent after giving necessary opportunities within a period of three months.

Sd/
Assistant Registrar(RTI)

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To

1. The Director of Town Panchayats,
Kuralagam, Chennai - 600 018.

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2. The Assistant Director of Town Panchayats,
Madurai - 625 020.

3. The District Collector, Theni District, Theni.

4. The Tahsildar, Theni.

5. The Executive Officer, Veerapandi Town Panchayat,
Veerapandi, Theni District.

+1cc to M/s.R.Subramanian, Advocate, in SR No.79590.

+1cc to Special Government Pleader in SR.No.79705.

W.P (MD) No.6911 of 2013
05.12.2016

mj

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