

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7044 of 2017

S.Thilgavathy .. Petitioner

Vs.

1. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.
2. The Executive Officer,
Kundadam Town Panchayat,
Tiruppur District.
3. V.Muthusamy .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to remove the encroachment made by the third respondent on the panchayat road comprised in S.No.1268, 1269, 1270 of Kundadam village, Dharapuram Taluk, Tiruppur District in furtherance of the order passed by the first respondent in Na.Ka.6139/2016/Aa5 dated 25.11.2016.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for respondents 1 and 2

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondents 1 and 2.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

3. The petitioner has filed this writ petition seeking for issuance of a writ of mandamus directing the second respondent to remove the encroachment made by the third respondent on the panchayat road comprised in S.Nos.1268, 1269, 1270 of Kundadam village, Dharapuram Taluk, Tiruppur District in furtherance of the order passed by the first respondent dated 25.11.2016.

4. It is the case of the petitioner that the third respondent has encroached upon the panchayat road, which obstructs the access to the petitioner's property. The third respondent filed O.S.No.345 of 2016 for declaration and mandatory injunction and the same is pending. Even though the first respondent directed the second respondent to remove the encroachment, no action was taken by the said authority. Hence, the petitioner has filed the writ petition seeking the relief stated supra.

5. The learned counsel for the petitioner submits that despite the first respondent directed the second respondent to remove the encroachment, no action was taken by the second respondent till date.

6. The learned Additional Government Pleader submits that as far as removal of encroachment is concerned, Kundadam Panchayat is the competent authority to do the needful and Kundadam Panchayat may be directed to look into the matter.

7. On a perusal of the typed set of papers, we find that the first respondent vide proceedings dated 25.11.2016, directed the second respondent/Kundadam Town Panchayat to remove the encroachment through their administration and if any measurements are required to be undertaken for demarcating the boundary, assistance of Head Surveyor, Dharapuram shall be obtained.

7. In view of the above, we direct the second respondent/Kundadam Town Panchayat to act on the proceedings of the first respondent in accordance with law within a period of three months from the date of receipt of a copy of this order, after notice to all concerned. No costs.

8. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

1. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.
2. The Executive Officer,
Kundadam Town Panchayat,
Tiruppur District.

+1 cc to Mr.S.Saravanan,advocate,sr.18217.

nm(co)
krd 11/4

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