

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P.No.15559/2017 & WMP.No.16863/2017

1.K.Kathirvel
2.M.Vivekanandam ..Petitioners

Vs

1.The District Collector
Erode District, Erode.
2.The Assistant Director of Panchayats
Collectorate, Erode District, Erode.
3.The Tahsildar
Modakurichi Taluk, Erode District.
4.The Block Development Officer
Modakurichi Union,
Erode District. ...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to remove the encroachment made on the road S.No.742 and 743 at Nanjai Uthukuli Village, Modakurichi Union, Erode District by considering the petitioners' representation dated 07.03.2016.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.R.Vijayakumar, AGP

ORDER

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

By consent, the writ petition filed in the form of Public Interest Litigation, is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 Though the petitioners pray for a larger relief, in the light of the Revenue Proceedings, this Court is of the view that it would be suffice to direct the respondents

to take appropriate action and file a Compliance Report within the stipulated time.

3 The petitioners claim to be the residents of Mettur Village, Modakurichi Taluk, Erode District they would aver among other things that there is a public road in Survey Nos.742 and 743 at Nanjai Uthukuli Village, Modakurichi Union/Taluk, Erode District and it is classified as "Public Road" in the relevant Revenue Records and the said road is used by the public for quite a long time. However,

encroachments have been made by unscrupulous persons and when it was brought to the knowledge of the concerned authorities, the Revenue Tahsildar, Erode District, vide communication in Mu.Mu.No.4878/2002 dated 06.05.2002 addressed to the President of Nanjai Uthukuli Village, Erode District, has informed him that after inspection, it was found that in Re-survey Nos.742 and 743, 35 persons have encroached upon the road poramboke and had put up constructions and therefore, directed the President of the Local Body to take appropriate action as per the provisions of the Tamil Nadu Panchayats Act, 1994 and inform the action taken to him, The residents of the locality has also submitted a detailed representation to the Collector, Erode District to take immediate and necessary action to remove the encroachments and though the Revenue Tahsildar, Modakurichi, vide his communication dated 20.01.2017, has directed the 4th respondent to take appropriate action to remove the encroachments, nothing has been fructified in the form of any positive action and left with no other option, the petitioners are constrained to approach this Court by filing the present Writ petition in the form of Public Interest Litigation and pray for appropriate orders.

4 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that appropriate immediate and urgent action will be taken to remove the encroachments in Nanjai Uthukuli village Re-survey No.742 and 743 and appropriate orders will be passed.

5 This Court, in the light of the above facts and circumstances, directs the respondents 3 and 4 to remove the encroachments in Nanjai Uthukuli Village Re-survey Nos.742 and 743, after putting the encroachers in the said survey numbers on notice and thereafter, proceed further in accordance with law and pass appropriate orders as to the removal of the said encroachment within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the encroachers.

6 The action to be taken by the respondents 3 and 4 shall also be monitored by the respondents 1 and 2. The respondents 3 and 4 are also directed to file a Compliance Report before this Court on 18.08.2017.

7 The writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

8 Post the writ petition under the caption "For Reporting Compliance" on 18.08.2017.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Erode District, Erode.

2.The Assistant Director of Panchayats
Collectorate, Erode District, Erode.

3.The Tahsildar
Modakurichi Taluk, Erode District.

4.The Block Development Officer
Modakurichi Union,
Erode District.

Copy to: The Section Officer,
Writ Section, High Court, Madras
(Writ Petition Posted on 18.08.2017 for reposting compliance

+ 1 cc to Mr.M. Guruprasad, Advocate Sr.44676

WP.No.15559/2017

EU 30.6.17

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