

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.31360 of 2015

S.Silambarasan

... Petitioner

-Vs-

1. The District Collector,
Villupuram District.
2. Tahsildar,
Thirukovilur Taluk,
Villupuram District.
3. Block Development Officer,
Mugaiyur at Manampoondi Village
and Post, Thirukovilur Taluk,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 3rd respondent to take necessary action to remove the encroachment in Periyathangal Lake (Eri) in accordance with law, based on the order dated 31.08.2015 passed by the 2nd respondent, pursuant to the representation of the petitioner dated 27.06.2015.

For Petitioner : Mr.K.Shakespeare

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

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

The allegation of the petitioner of encroachment in S.Nos.229/1 and 230, Periya Thangal, where the land is stated to be classified as 'Eri' is not disputed and the counter-affidavit of the second respondent states that necessary instructions have been given since it is the Panchayat President who is vested with the power under Section 7 of the Land Encroachment Act, 1905.

2.On hearing the learned counsel for parties, it is conceded by learned Special Government Pleader that it will be the third respondent / Block Development Officer, who is entitled to take action in this behalf.

3.We, thus, direct the third respondent to proceed in accordance with law in respect of unauthorised construction on the Eri land and conclude the proceedings within a maximum period of three (3) months from the date of receipt of the order. The third respondent may obtain assistance from whichever authorities required.

Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Villupuram District.
2. The Tahsildar,
Thirukovilur Taluk,
Villupuram District.
3. The Block Development Officer,
Mugaiyur at Manampoondi Village
and Post, Thirukovilur Taluk,
Villupuram District.

+1cc to Mr.K.Shakespeare, Advocate, S.R.No.3332

+1cc to the Government Pleader, S.R.No.3406

W.P.No.31360 of 2015

RSY(CO)
CA(27/01/2017)