

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM :

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

W.P. No.7076 of 2016

S.Manikandan

... Petitioner

-Vs-

1. The District Collector,
O/o.The District Collector,
Cotton Marketing Regulating Committee
Campus, Palladam Road,
Tiruppur - 641 604.
2. The Assistant Divisional Engineer,
The State Highways and Construction
& Maintenance Dept.,
Traveller's Bungalow, Trichy Road, Vellakovil,
Thiruppur District 638 111.
3. The Commissioner,
Vellakovil 2nd Grade Municipality,
Vellakovil, Thiruppur District 638 111.
4. The Thasildar
Kangeyam Taluk, Kangeyam,
Thiruppur District 638 701.
5. The Inspector of Police,
Vellakovil Police Station,
Vellakovil, Thiruppur District 638 111.

6. V.Kandasamy

7. Dhandapani @ Unchavalasukkarar

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st and 2nd respondents to demolish and remove the unauthorised construction of road side temple namely Shree Siddi Vinayagar Temple over the Government land at Kamarajapuram, Dharapuram Road, Vellakovil and to take action as against respondents 6 and 7 for the illegal construction under the relevant provisions of

District Municipalities Act, 1920 and also Section 6 of the Tamil Nadu Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1959 based upon the petitioner's representations dated 10.12.2015 and 17.12.2015.

For Petitioner : Mr.S.Kumaradevan
For Respondents : Mrs.Vasudha Thiagarajan
Additional Government Pleader
for RR 1 to 5
: No appearance for RR 6 and 7

O R D E R

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

The petitioner alleges that the sixth respondent, who was the Chairman of Vellakovil 2nd Grade Municipality, had encroached on public land to construct a temple, while the seventh respondent had opened a shop by encroaching on the land belonging to the Municipality.

2.Notices were issued on 01.03.2016 and on 21.03.2016, once again time was granted to file counter-affidavit with a direction to take steps if there is any alleged unauthorised construction. Neither the counter-affidavit was filed nor steps taken. On 04.04.2016, it was observed that when the Municipality is represented by its Chairman who is alleged to have indulged in illegal encroachment and construction, the District Collector, Tiruppur, was asked to examine the facts and submit a report. Still nothing has happened till date.

3.We direct the Tahsildar/the fourth respondent to cause an inspection to be made of the site in so far as encroachment of the sixth respondent on public land is concerned and by the Commissioner of Vellakovil 2nd Grade Municipality /t he third respondent qua the allegation against the seventh respondent, within fifteen(15)days of the receipt of the order and if the allegations are found to be correct,to take action in accordance with law, after notice to all concerned and conclude the proceedings within a maximum period of two (2) months thereafter.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
O/o.The District Collector,
Cotton Marketing Regulating Committee
Campus, Palladam Road,
Tiruppur - 641 604.
2. The Assistant Divisional Engineer,
The State Highways and Construction
& Maintenance Dept.,
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Thiruppur District 638 701.
5. The Inspector of Police,
Vellakovil Police Station,
Vellakovil, Thiruppur District 638 111.

+lcc to M/s.S.Kumara Devan, Advocate, S.R.No.8551
+lcc to the Government Pleader, S.R.No.8567

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UG(CO)
CA(16/02/2017)

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