

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1921 of 2004

Mrs.Hussain Saharban Beevi

.. Petitioner

Vs.

1. The Tahsildar, Tiruchendur Taluk, Tiruchendur.

2. The Executive Officer,
Kayalpatnam Selection Grade Town Panchayat,
Kayalpatnam, Tiruchendur Taluk,
Thoothukudi District.

3. K.M.Meera Sahib

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent herein, viz., The Executive Officer, Kayalpatnam Selection Grade Town Panchayat, Kayalpatnam to remove the encroachment caused in the public pathway situate in S.No.755/60.

For petitioner : Mr.P.Gopalan

For respondents: Mr.S.Diwakar, Spl.G.P. for RR-1 & 2
Mr.C.Prakasam for R-3

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent herein, viz., The Executive Officer, Kayalpatnam Selection Grade Town Panchayat, Kayalpatnam to remove the encroachment caused in the public pathway situate in S.No.755/60.

2. The third respondent along with his counsel is present before this Court. The second respondent has filed counter affidavit stating that there is encroachment in the place in question and notices have been issued by the second respondent to the third respondent to remove the encroachment.

3. As encroachment is caused on the public pathway, the first and second respondents are directed to remove the said encroachment within a period of two weeks from the date of receipt of a copy of this order. If there is no removal of encroachment, disciplinary action shall be initiated against the first respondent-Tahsildar and the second respondent-Executive Officer of Kayalpatnam Selection Grade Town Panchayat and they shall be imposed with capital punishment, which shall be reflected in their Service Register. If the person who has to take disciplinary action against the first and second respondents, has not initiated such action and if he fails to initiate action against the first and second respondents, that person shall be stripped off from the post which he is holding, as he is deemed to be unfit to hold any post much less the post which he is holding now.

4. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cs

To

- 1.The Collector, Tuticorin
2. The Tahsildar, Tiruchendur Taluk, Tiruchendur.
3. The Executive Officer,
Kayalpatnam Selection Grade Town Panchayat,
Kayalpatnam, Tiruchendur Taluk,
Thoothukudi District.

+1 cc to Mr.C.Prakasam Advocate sr 85194
+1 cc to Mr.P.Gopalan Advocate sr 84795
+1 cc to the Govt Pleader sr 85430

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aa16/12/2017