



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20172 of 2015

B.Selvi

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
M.Reddiyapatti Village,
Thiruchuli Taluk, Virudhunagar District.

3.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

4.The President,
Udayanampatti Panchayat,
Thiruchuli Taluk,
Virudhunagar District.

.. Respondents

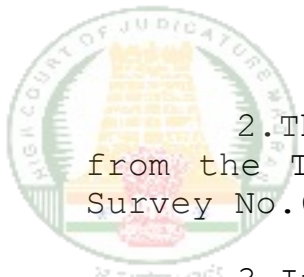
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to remove the encroachment made by the respondents in the petitioner's property by demarcating the petitioner's land in Survey No.66/109 situated at Udayanampatti Village, Thiruchuli Taluk, Virudhunagar District on considering the petitioner's representation, dated 13.07.2015.

For Petitioner : Mr.A.Ananda Raj
For Respondents 1 to 3 : Mr.M.Govindan,
Special Government Pleader.
For Respondent No.4 : Mr.S.Satheshkumar

ORDER

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this writ petition to direct the respondents to remove the encroachment made by them, in her property, situated at Survey No.66/109, Udayanampatti Village, Thiruchuli Taluk, Virudhunagar District.



2.The learned Special Government Pleader, on instructions from the Tahsildar, Thiruchuli Taluk, submitted that the land in Survey No.66/109, was assigned to the petitioner.

3.It is the contention of the fourth respondent that the petitioner violated the conditions of assignment in as much as it was prescribed that the construction should be made within a period of one year. Since no such construction was made within a period of one year, the local body took possession of the land and constructed a water tank.

4.The factual matrix indicates that the assignment was given to the petitioner. There is no question of automatic cancellation and taking over possession by the local body, on account of the violation of condition. Even for taking possession on account of violation of the conditions of assignment, notice should be issued to the petitioner. We do not approve the manner, in which, the fourth respondent constructed a water tank in Survey No.66/109, Udayanampatti Village, Thiruchuli Taluk, Virudhunagar District. Since a water tank has already been constructed, we are not in a position to direct the fourth respondent to remove the construction. It is always open to the petitioner to approach the Civil Court for appropriate relief.

5.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector, Virudhunagar District, Virudhunagar.

2.The Block Development Officer, M.Reddiyapatti Village, Thiruchuli Taluk, Virudhunagar District.

3.The Tahsildar, Thiruchuli Taluk, Virudhunagar District.

4.The President, Udayanampatti Panchayat, Thiruchuli Taluk, Virudhunagar District.

+1CC to Mr.A.Anandaraj, Advocate, SR.No. 75962

+1CC to the Special Government Pleader SR.No. 76241

ORDER MADE IN
W.P (MD) No.20172 of 2015
01.09.2017