



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.07.2017

CORAM :

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

W.P(MD)No.4573 of 2014

P.Flaurance

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

3.The Tahsildhar,
Pattukkottai,
Thanjavur District.

4.The Pattukkottai Municipality,
rep. By its Commissioner,
Pattukkottai,
Thanjavur District.

5.The Executive Engineer and Additional Commissioner (Incharge)
Pattukkottai Municipality,
Pattukkottai,
Thanjavur District.

6.The Inspector of Police,
Town Police Station,
Pattukkottai.

7.T.Vaithuyalingam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 herein consider the petitioner's representation 25.11.2013 and initiate appropriate action to remove the encroachment made put by the 7th respondent in the public pathway of cement road which is situated Valavanpuram i.e Western side of the Annavaththikkuttai @ Karuppattikuttai and also to remove the unauthorized constructions put up by the 7th respondent in the part of Annavaththikkuttai @ Karuppattikuttai which comes under the control of the 4th respondent Municipality within the time frame



fixed by this Court.

For Petitioner : Mr.Mahadevan for Mr.M.Sridhar

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 3 & 6
Mr.M.R.S.Prabhu for
Mr.V.K.Vijayaraghavan for R7
No Appearance for RR 4 and 5

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O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The grievance of the petitioner is that the pathway situate at Valavanpuram i.e western side of the Annavaththikkuttai @ Karuppattikuttai is being blocked by the unauthorised construction put up by the seventh respondent.

The seventh respondent has entered appearance through counsel. He has filed counter affidavit and also typed set of papers. The seventh respondent stated that they have given consent deed in favour of the Pattukottai Municipality, the fourth respondent herein and they are consenting for laying a road bearing dimension 250 x 12 feet in the subject area. The learned counsel would further state that cement road has been laid in the said pathway.

The learned counsel for the seventh respondent by filing affidavit states that the seventh respondent would not put up any encroachment in respect of the said pathway. This statement is recorded. Therefore, nothing further remains for adjudication in the writ petition. However, the Tahsildar, Pattukottai must ensure that no encroachment is created by the seventh respondent in respect of the said pathway.

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

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thanjavur District.

2.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The Tahsildar,
Pattukkottai, Thanjavur District.



4.The Commissioner,
Pattukkottai Municipality,
Pattukkottai,
Thanjavur District.

WEB COPY

5.The Executive Engineer and Additional Commissioner (Incharge)
Pattukottai Municipality,
Pattukottai,
Thanjavur District.

6.The Inspector of Police,
Town Police Station,
Pattukottai.

+1cc to M/s.M.R.S.PRABHU Advocate in SR. No.68215
+1cc to Mr.J.GUNASEELAN MUTHIAH Advocate in SR. No.67847
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68712
SKM/ARUL
JS/SKN.RSK/SAR.2/9.8.2017/3P-10C

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