



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5269 of 2014

S.Subba Pillai

... Petitioner

Vs.

1. The District Collector,
Theni District.
2. The Assistant Electrical Engineer,
Tamilnadu Electricity Board,
Thamaraikulam,
Periyakulam Taluk,
Theni District.
3. The Executive Engineer,
Tamilnadu Electricity Board,
Periyakulam Distribution Circle,
Theni.
4. The President,
Vadugapatti Town Panchayat,
Theni District.

5.G.Muthuirulappa Pillai

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, direct the Respondents 1 to 4 to take appropriate action to remove the encroachments made by the 5th Respondent in the site which is earmarked for public purpose in V.O.C. Nagar comprised in S.No.1039/2 part in Melmangalam Village Vadugapatti in Periyakulam Taluk in Theni district and restore the same for the public purpose within a time to be fixed by this Court.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.T.S.Md.Mohideen, AGP for R1
Mrs.S.Srimathy for Mr.S.M.S.Johny Basha
for RR2 and 3
Mr.K.Appadurai for R4
Mr.C.Masilamani for R5

**O R D E R**

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

The petitioner's grievance in this writ petition is that the site earmarked for public purpose in V.O.C. Nagar comprised in S.No.1039/2 part in Melmangalam Village, Vadugapatti in Periyakulam Taluk in Theni district was encroached upon by the fifth respondent promoter himself.

2.The learned counsel for the fifth respondent stated that the fifth respondent is no more.

3.The learned Additional Government Pleader would state that the competent authority to remove the encroachment is the jurisdictional Tahsildar. The said authority is not a party to the writ petition.

4.We therefore direct the petitioner to submit a comprehensive representation to the competent authority for removal of the encroachment in question. The competent authority, on receipt of such representation, shall take action for removal of the encroachment after due notice to the interested parties. Such exercise shall be completed within a period of three months from the date of receipt of representation.

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

Sd/-

Assdistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Theni District.

+1cc to Mr. K.Appadurai , Advocate Sr.No.67471
+1cc to The Spl.Government Pleader SR.no.68406
+1cc to Mr.R.Suriyanarayanan, Advocate SR.No.67570
+1cc to Mr.C.Masilamani, Advocate Sr.No.67857

SKM/ARUL

VB/MR/KKR/SAR1/03.08.2017/2P/6C