



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14676 of 2017

and

WMP(MD) No.11501 of 2017

K.Mariselvam

... Petitioner

Vs.

1.The Deputy Director,
Town and Country Planning Office,
Madurai Division,
No.4, Hakkim Ajmalkan Road, Chinna Cokkikulam,
Madurai - 625 002.

2.The District Collector,
Dindigul District,
Collectorate, Dindigul.

3.The Tahsildar,
Aathur Taluk Office,
Aathur Post, Dindigul District.

4.The Executive Officer,
Ayyampalayam Town Panchayat,
Ayyampalayam Post - 624 204,
Dindigul District.

5.Mr.C.Muthukaruppan @ Malaker

6.Sulochana

7.Kathapillai

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to remove all encroachments made in the public places in S.F.No.1042/6B situated at 15th Ward, Ayyampalayam Town Panchayat, Aathur Taluk, Dindigul District by consider the petitioner's representation dated 07.04.2017 and to restore the children's play ground and park and other common places earmarked in the approved Lay out No.34/2004 made in respect of S.F.No.1042/6B situated at 15th ward, Ayyampalayam Town Panchayat, Aathur Taluk, Dindigul District within stipulated time.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.Govindan,
Spl.Govt.Pleader for RR1 to 3
Mr.T.S.Md.Mohideen,
Addl.Govt.Pleader for R4

**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The writ petitioner alleges that there are encroachments of places earmarked for public purposes in the approved lay out No.34/2004 in S.F.No.1042/6B in 15th ward, Ayyampalayam Town Panchayat, Aathur Taluk, Dindigul District. The writ petitioner gave a representation dated 07.04.2017. But, no action was taken. Hence, the present writ petition came to be filed.

2.When the matter was taken up for disposal, the fourth respondent filed a counter affidavit admitting the allegations made in the affidavit filed in support of the writ petition. However, the fourth respondent claimed that action has been taken for removal of encroachment.

3.In such view of the matter, this Court directs the third respondent to take follow up action in accordance with law for removal of the encroachment in question. Notice must be issued to the encroachers and due process of law must be followed. The entire exercise shall be completed within three months from the date of receipt of a copy of this order.

4.The writ petition is disposed of with the above said direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Director, Town and Country Planning Office,
Madurai Division, No.4, Hakkim Ajmalkan Road,
Chinna Cokkikulam, Madurai - 625 002.

2.The District Collector, Dindigul District,
Collectorate, Dindigul.

3.The Tahsildar, Aathur Taluk Office,
Aathur Post, Dindigul District.

4.The Executive Officer, Ayyampalayam Town Panchayat,
Ayyampalayam Post - 624 204, Dindigul District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 75369

+1cc to Mr.T.S.MOHAMED MOHIDEEN Advocate in SR. No. 74962

+1cc to Mr.M.SARAVANAKUMAR Advocate in SR. No. 74943

SKM/ARUL

JS/MR.KKR/SAR.4/18.09.2017/2P-8C

W.P(MD) No.14676 of 2017

and

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28.08.2017