



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2017

CORAM

THE HONOURABLE MR.JUSTICE.R.MAHADEVAN

WEB COPY

Writ Petition(MD).No.16118 of 2017
and
W.M.P. (MD)No.12794 of 2017

A.Savari

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Deputy Director,
Sivagangai Composite Local Planning Authority,
Sivagangai Region,
No.430, Gandhi Veethi,
Sivagangai District.

3.The Executive Officer,
Soosaiyappar Pattinam Panchayat,
Kattenthal Sukkanoorani,
117, Pallivayal Group,
Kalaiyarkovil Taluk,
Sivagangai District.

4.A.Manikam

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents No.2 & 3 to take action under section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1972) against the unauthorized construction put up in S.No.292/1, Pallivayal Revenue Village, Kalaiyarkovil Taluk, Sivagangai District.

For petitioner : Mr.E.Manees Kumar

for M/sAjmal Associates

For R1 & R2 :Mr.S.Kumar

Additional Government pleader

For R3 :Mr.V.Muruganadam

Additional Government Pleader

**ORDER**

The petitioner seeks for a direction to the respondents 2 and 3 to take action under sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1972) against the unauthorized construction put up in S.No.292/1, Pallivayal Revenue Village, Kalaiyarkovil Taluk, Sivagangai District.

2.The case of the petitioner is that he is an Ex-service man. The land in S.No.292/1 is a Government Land, classified in the revenue records as "Sarkar Manai Kaliyidam". The said lands have been used collectively by all villagers for common purposes of the village. However, the fourth respondent encroached on the said property and constructed a Community Hall, without obtaining any planning permission. Hence, the petitioner sent a representation to the respondents on 18.09.2017, calling upon them to take action under the Act of 1971 and restore the land belonging to the first respondent for common usage. Since no action has been taken, the petitioner has come before this Court.

3.When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2 produced a copy of the communication of the second respondent/Deputy Director, Sivagangai Composite Local Planning Authority, dated 31.08.2017, wherein, it has been specifically stated that the Tahsildar, Kalayarkovil has been directed to take appropriate action as per law.

4.Recording the said submission and communication, this writ petition is closed with a direction to the Tahsildar, Kalayarkovil, to comply with the said communication of the second respondent dated 31.08.2017 as expeditiously as possible. The petitioner is directed to send a copy of this order along with a copy of the communication of the second respondent dated 31.08.2017 to the Tahsildar, Kalayarkovil forthwith in order to act accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

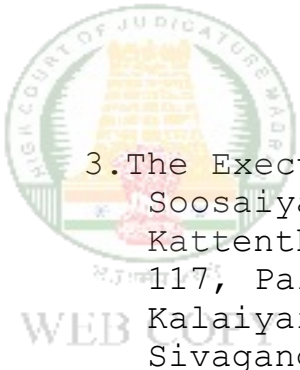
/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Deputy Director,
Sivagangai Composite Local Planning Authority,
Sivagangai Region,
No.430, Gandhi Veethi,
Sivagangai District.



3.The Executive Officer,
Soosaiyappar Pattinam Panchayat,
Kattenthal Sukkanoorani,
117, Pallivayal Group,
Kalaiyarkovil Taluk,
Sivagangai District.

+1cc to M/S.Special Government Pleader,SR. 79848
+1cc to M/S.AJMAL ASSOCIATES,Advocate,SR. 79793

SKN
KK/JC/SAR 1/26.10.2017/ 3P- 6C/

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