

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.08.2017

CORAM:

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

W.P(MD)No.4161 of 2017

U.Rasu Thevar

... Petitioner

Vs.

1. The District Collector,
Pudukottai District.
2. The Tahsildar,
Aranthangi Taluk, Aranthangi,
Pudukottai District.
3. The Block Development Officer (Village Panchayat),
Panchayat Union Office,
Aranthangi,
Pudukottai District.
4. Palaselvaraj
5. S.Muthusamy
6. Sathaiya Thevar

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos. 1 to 3 to remove the encroachment made by the respondent Nos. 4 to 6 and consider the representation dated 10.12.2016 as stated in the 1st respondent proceedings in Oo.Mu.E.14982/2016 dated 19.12.2016 within the period that may be stipulated by this Court.

For petitioner : Mrs.E.Muthurani
for Mr.Pala Ramasamy
For Respondents 1 to 3 : Mr.T.S.Md.Mohideen
Additional Government Pleader

O R D E R

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

The petitioner has filed this writ petition to direct the respondents 1 to 3 to remove the encroachment said to have been made by the respondents 4 to 6 in a public property.



2. Even according to the petitioner, the land in question is a kanmoi. It is for the authority to take action for removal of encroachment in respect of the kanmoi belonging to the Public Works Department. The competent authority is not a party to the writ petition. We, therefore, do not find any reason to issue a writ of mandamus.

3. We permit the petitioner to give a comprehensive representation to the Jurisdictional Engineer. In case, any such representation is given, the same shall be considered and disposed of by the Jurisdictional Engineer, after issuing notice to the respondents 4 to 6 and other encroachers, if any, as expeditiously as possible.

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

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Pudukottai District.
2. The Tahsildar,
Aranthangi Taluk,
Aranthangi,
Pudukottai District.
3. The Block Development Officer (Village Panchayat),
Panchayat Union Office,
Aranthangi,
Pudukottai District.

ORDER MADE IN
W.P(MD) No.4161 of 2017
03.08.2017

vs/vsg
SDS/MR:KKR/SAR 2/28.08.2017/2P/4C