



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.5283 of 2017

and

WMP(MD) No.4239 of 2017

Shanmugaiah

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

3.The Executive Officer / Panchayat President,
Ko.Maruthappapuram Village Panchayat,
Sankarankovil Taluk,
Tirunelveli District.

4.Muthupandian

... 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 3 to keep the plan marked pathway in S.No.271/1, in Ko.Maruthappapuram Village in Sankarankovil Taluk, Tirunelveli District by removing the encroachment made by the respondent in the same lands.

For Petitioner : Mr.F.X.Eugne

For Respondents : Mr.Mr.M.Govindan,

Spl.GP for RR 1 to 3

Mr.J.Sankarapandian

for Mr.S.Palani Velayutham for R4

O R D E R

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

The writ petitioner seeks removal of encroachments in S.No.271/1 in Ko.Maruthappapuram Village in Sankarankovil Taluk, Tirunelveli District. The fourth respondent is said to be the encroacher.



2.This Court directed the District Collector to personally inspect and submit a report. The District Collector, Tirunelveli submitted a report dated 20.08.2017 stating that there is encroachment in S.No.271/23 A. Even though the said land measuring 6.79 cents is classified as patta land, in the village map, FMB sketch and other revenue records, a cart track is shown to pass through the said land. Therefore, when the fourth respondent applied for building plan approval, it was rejected on 17.11.2013. The Block Development Officer, Melaneelithanallur also rejected on 27.04.2017. But, the fourth respondent chose to construct the building without getting plan approval from the appropriate authority in S.No.271/23A. It is submitted that show cause notice has been issued by the Block Development Officer, Melaneelithanallur seeking explanation. It has also been stated that follow up action would be taken. This Court therefore directs the first respondent to ensure that follow up action as undertaken in his report dated 20.08.2017 is taken.

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

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,Tirunelveli District.

3.The Executive Officer / Panchayat President,
Ko.Maruthappapuram Village Panchayat,
Sankarankovil Taluk, Tirunelveli District.

+1cc to M/S.S.PALANI VELAYUTHAM, Advocate SR.No.75174

+1cc to M/S.F.X.EUGENE, Advocate SR.No.75215

+1cc to Special Government Pleader, SR.No. 75364

Skm / Arul

MAS/MR-KKR/SAR3:18.09.2017:2P-7C

W.P(MD) No.5283 of 2017

and

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