



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **08.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.18069 of 2016

and

W.M.P. (MD) .No.13035 of 2016

K.A.K.Poovanathan

.. Petitioner

Vs.

1.The Director of Panchayat,
Rural Development Panchayat,
Kuralagam, Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Assistant Director of Panchayat,
Sivagangai Region,
Sivagangai,
Sivagangai District.

4.The Executive Officer,
Tiruppuvanam Panchayat,
Tiruppuvanam, Sivagangai District.

5.G.Stalin

6.G.Anbarasan

7.G.Sandiya

8.G.Tamil Selvi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 forthwith to take action to demolish the unapproved building, which is illegally put up nearby Vaigai River Bed in Survey No.34/1C1 in an extent of 1 acre, Tiruppuvanam Village, Tiruppuvanam Taluk, Sivagangai District.

For petitioner

: Mr.J.John

For respondents 1 to 3

: Mr.M.Govindan

Special Government Pleader

For respondent 4

: Mr.C.Prithviraj for

Mr.C.Selvaraj

For respondents 5 & 6

: Mr.B.Ramanathan

For respondents 7 & 8

: Mr.K.Jegadeesan



O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The Writ petitioner seeks a direction for directing the authorities to demolish the unapproved buildings that have been put up in Survey No.34/1C1 measuring an extent of 1 acre in Tiruppuvanam Village.

2. There is a civil dispute between the writ petitioner and the private respondents herein. The said survey number is not a public land. Therefore, the question of removal of encroachment will not arise. But, at the same time, it is seen that unapproved buildings have been put up in the land in question. While the fourth respondent cannot remove the private respondents herein from the said land in question, it is certainly open to the fourth respondent to initiate action for unauthorised construction in the said land.

3. The writ petitioner, who has a rival claim over the said land, had submitted a representation in this regard. This Court permits the writ petitioner to submit a comprehensive representation to the fourth respondent herein. The fourth respondent has a duty to act on the same, if the construction is unauthorised.

4. This Court directs the fourth respondent to initiate action in accordance with law for demolition of the unauthorised construction said to have been put up by the private respondents herein. The fourth respondent has to adhere to the statutory procedure and due process of law, while dealing with the said allegation of unauthorised construction. As regards the rival claims of title, it is open to the parties to work out their remedies before the competent Civil Court. The fourth respondent shall complete the entire exercise within a period of three months from the date of receipt of the representation from the writ petitioner.

5. The Writ Petition is disposed of, on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

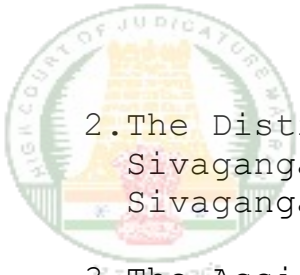
Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1.The Director of Panchayat,
Responsible Officer, Panchayat,
Kuralagam, Chennai.



2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Assistant Director of Panchayat,
Sivagangai Region,
Sivagangai,
Sivagangai District.

4.The Executive Officer,
Tiruppuvanam Panchayat,
Tiruppuvanam, Sivagangai District.

+2cc to M/S.J.JOHN, Advocate SR.No.71230

+1cc to Special Government Pleader, SR.No.72001

NB

MAS/MR-KKR/SAR3:28.08.2017:3P-8C

ORDER MADE IN
W.P. (MD) No.18069 of 2016
and
W.M.P. (MD) .No.13035 of 2016
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