



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7937 of 2017

and

**W.M.P(MD) .No.6154 of 2017 and
10023 of 2017**

A.Velmurugan

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3. A.Maria James,
Secretary, Rural Uplift Centre,
Nanguneri, Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents No.1 and 2 to prevent the illegal construction carry out by the third respondent in Survey No.1032, Thalapathisamuthiram Part - I, Nanguneri Taluk, Tirunelveli District for an extent of 0.47.0 Hectares vide Peace Committee Meeting held on 04.01.2017.

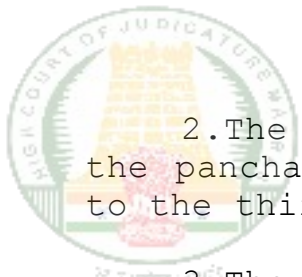
For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.M.Govindan,
Spl. Govt. Pleader for RR1 & 2
Mr.K.Vamanan for R3
Mr.M.K.Malaichamy
for proposed impleading party.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioner filed this writ petition to direct the respondents 1 and 2 to prevent the third respondent from putting up illegal construction by encroaching upon the land in Survey No.1032, Thalapathisamuthiram Part - I, Nanguneri Taluk, Tirunelveli District.



2.The learned counsel for the third respondent submitted that the panchayat has taken a decision to allot the land in question to the third respondent for construction of a Creche.

3.Though the third respondent has taken up a contention that a decision was taken by the panchayat to allot the land in question to her, there is nothing on record to show the allotment of land. We, therefore direct the second respondent to consider the representation submitted by the petitioner dated 16 December 2016, on merits and as per law after issuing notice to the third respondent. In case, it is made out that there is no permission given by the Government to the third respondent to put up a building in Government land, appropriate follow up action should be taken by the second respondent. Such exercise shall be completed within four months from the date of receipt of a copy of this order. There shall be a further direction to the third respondent not to put up further constriction till the disposal of the matter by the second respondent.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+1cc to Mr.P.Banuprasath, Advocate Sr.No.66727

+1cc to Mr.K.Vamanan, Advocate Sr.No.67236

+1cc to Spl.Government Pleader Sr.No.67005

SKM/ARUL

VB/KK/SAR4/17/08/2017/2P/6C

W.P (MD) No.7937 of 2017

and

W.M.P (MD) .No.6154 of 2017

20.07.2017