

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

DATED: 25.07.2017

CORAM:

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

**W.P (MD) No.14741 of 2013**

K.Thangaraj

... . Petitioner

Vs.

1. The District Collector,  
Virudhunagar District,  
Virudhunagar.
2. The Block Development officer  
(village Panchayats),  
Srivilliputhur Panchayat Union,  
Srivilliputhur, Virudhunagar District.
3. The President,  
Kottaipatti Panchayat,  
Srivilliputhur Panchayat Union,  
Virudhunagar District.
4. R.Kalyanasundari
5. Mayalagu
6. P.Rajamani
7. A.Ponraj
8. Mariappan

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.3 to take appropriate action based on the second respondent's order in Na.Ka.P1/1467/2013 dated 20.06.2013 and to direct him to remove the encroachment made by the respondents 4 to 8 in Survey No.796/1, situated at Singammalpuram Village, Srivilliputhur Taluk, Virudhunagar District.

|                                |                                                       |
|--------------------------------|-------------------------------------------------------|
| For petitioner                 | : Mr.A.Jayaramachandran.                              |
| For Respondents 1 and 2        | : Mr.T.S.Md.Mohideen<br>Additional Government Pleader |
| For 3 <sup>rd</sup> Respondent | : Mr.S.Sathesh Kumar                                  |
| For Respondents 4 to 8         | : No appearance                                       |

**O R D E R**

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

This writ petition has been filed for directing the third respondent, the President, Kottaipatti Panchayat to take appropriate action based on the directive issued by the Block Development Officer, the second respondent herein vide his communication in Na.Ka.Pl/1467/2013, dated 20.06.2013.

2.The second respondent has also filed his counter affidavit. It is stated that encroachments are there in the public street as alleged by the petitioner in Survey No.796/1 at Singammalpuram Village, Srivilliputhur Taluk, Virudhunagar District. However, it is the jurisdictional Tahsildar who has to take action for removing the encroachment. Therefore, we permit the writ petitioner to submit a comprehensive representation to the jurisdictional Tahsildar, who shall upon receipt of the representation take appropriate action to remove the encroachment in question, after due notice to the encroachers. Such exercise shall be completed, within a period of three months from the date of receipt of a copy of the representation.

3.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,  
Virudhunagar District,  
Virudhunagar.
2. The Block Development officer  
(village Panchayats),  
Srivilliputhur Panchayat Union,  
Srivilliputhur, Virudhunagar District.

+1cc to M/S. A.JAYARAMACHANDRAN, Advocate, SR.No.67525.

+1cc to Special Government Pleader, SR.No.68405.

ORDER MADE IN  
W.P (MD) No.14741 of 2013  
25.07.2017