

**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.17018 of 2013****and****M.P. (MD) No.1 of 2013**

T.Pothian

... Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The Tahsildar,
Natham Taluk,
Dindigul District.
3. The President,
Reddiyapatti Village Panchayat,
Natham Taluk,
Dindigul District.
4. The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
5. T.Kannan

... 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 4 herein to remove the encroachments made by the 5th respondent in the east-west village public road belonging to the third respondent facing northern side of the petitioner's property, within a reasonable time that may be fixed by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 4
Mr.S.Muthalraj for R5**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The petitioner is aggrieved by the putting up of bathroom by the fifth respondent in the east west village public road belonging to third respondent Panchayat. The writ petitioner has



given a representation dated 30 July 2013 to the second respondent.

2. We direct the second respondent to enquire into the said allegations. If the second respondent comes to the conclusion that the subject pathway is common pathway and that the fifth respondent has put up toilet in the said pathway, the respondent shall take action for removal of the same after following due process of law. The second respondent shall however give sufficient time to the fifth respondent to shift the said bathroom from the said pathway. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The Tahsildar,
Natham Taluk,
Dindigul District.
3. The President,
Reddiyapatti Village Panchayat,
Natham Taluk,
Dindigul District.
4. The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.

+1cc to Mr.S.Muthalraj, Advocate SR.No.67522
+1cc to Mr.B.Jameel Arasu, Advocate SR.No.67701
+1cc to The Spl.Government Pleader SR.No.68385

SKM/ARUL

VB/SKN/RSK/SAR2/03.08.2017/2P/8C