



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.8338 of 2013

and

W.M.P.(MD) Nos.1 to 4 of 2013

M.Venga Muthu

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Office of the Taluk Office,
Thirumangalam Taluk,
Madurai District.

3.The President,
Kuravayoor Village Panchayat,
Thirumangalam Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings Na.Ka.No.19602/2012 - A2 dated 04.03.2013 and quash the same and consequently direct the respondents to forthwith remove the encroachments made by the encroachers on the public road in between the Survey Nos.205 and 206 of Kuravayoor Pit No.1, Motchikulam Village, Thirumangalam Taluk, Madurai District.

For Petitioner

: Mr.Gangai Amaran

For Respondents

: Mr. R.Srinivasan

O R D E R

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

The writ petitioner challenges the communication dated 04.03.2013, issued by the second respondent Tahsildar, Thirumangalam Taluk, Madurai District.

2. The writ petitioner is aggrieved by the encroachments made on the public road in between Survey Nos.205 and 206 of Kuravayoor Pit No.1, Motchikulam Village, Thirumangalam Taluk, Madurai District. He had been representing to the Revenue



authorities for their removal. In fact, on the earlier occasion, the authorities proposed to effect removal of the encroachments. But, in the impugned communication, the second respondent had made it clear that the coercive action taken by the third respondent for removal of the encroachments can be kept in abeyance. Aggrieved by the same, the writ petitioner has come up with this writ petition.

3. We have heard the learned counsel for the petitioner as well as the learned counsel for the respondents. We have also perused the photographs pertaining to the road.

4. It is seen that the second respondent after conducting spot inspection had given a finding that the encroachment is minor and negligible and there is no inconvenience caused to the general public.

5. In any event, the right of ingress and egress of the writ petitioner has not been affected and there is no encroachment in front of the writ petitioner's house. Encroachments can be categorised into objectionable and un-objectionable. Only if the encroachment is objectionable, it has to be necessarily removed. As regards the un-objectionable encroachment, it is for the Revenue authority to take action.

6. In the present case, the competent authority has taken the decision that the encroachment need not be removed. We see no reason to interfere with the same. At the same time, it is the duty of the second and third respondents to ensure that the encroachment does not extend beyond what is presently there. In other words, the right of ingress and egress of the writ petitioner should not be affected.

7. This writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.



2.The Tahsildar,
Office of the Taluk Office,
Thirumangalam Taluk,
Madurai District.

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3.The President,
Kuraqyoor Village Panchayat,
Thirumangalam Taluk,
Madurai District.

+1cc to Special Government Pleader, SR.No. 68974

+1cc to M/S.Veera Associates, Advocate SR.No. 68543

ORDER MADE IN
W.P.(MD) No.8338 of 2013
27.07.2017

mr/ta/akv
JM/MMS/SAR 1/04.08.2017/3P/6C