

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10742/2018

M.Dasthageer

Petitioner

Versus

1.The District Collector
Collectorate,
Villupuram -605 602.

2.The Revenue Divisional Officer
Thirukovilur,
Villupuram District-605 757.

3.The Tahsildar
Thirukovilur Taluk,
Villupuram District 605 757.

4.The Executive Officer
Town Panchayat Office
Tirukovilur, Villupuram District 605 757.

5.P.M.R.Kannan

6.S.Sathish

.. 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 to remove the encroachments made in common pathway and common drainage channel [canal] comprising in New S.No.994/1 and its Old S.No.238/1A1A1A part [Government land] situated at Tirukovilur Town Panchayat, Villupuram District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju

For R1 to R3 : Mr.A.N.Thambidurai, Spl.GP

For R4 : Mr.Thanga Vadhana Balakrishnan, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.Thanga Vadhana Balakrishnan, learned Special Government Pleader accepts notice on behalf of the 4th respondent.

2 The petitioner claims to be a resident of Door No.6/138, Melaveedhi, Thirukovilur, Villupuram District and according to him, there is a common pathway and a common drainage channel in New S.No.994/1 [Old S.No.238/1A1A1A [Part]] at Tirukovilur, Villupuram District and the respondents 5 and 6 had illegally occupied the common pathway and put up a superstructure which is being used as wash room and bathroom. The petitioner, in this regard, has submitted a representation dated 28.10.2017 followed by a reminder dated 23.01.2018 and despite receipt and acknowledgment, no action has been taken so far and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that respondents 5 and 6 had illegally occupied the common pathway and put up a construction right across the common drainage channel and letting in the sewage water and though the said fact has been brought to the knowledge of the concerned respondents, no action is taken so far and therefore, the petitioner having left with no other option, is constrained to file the present writ petition.

4 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.Thanga Vadhana Balakrishnan, learned Additional Government Pleader appearing for the 4th respondent and perused the materials placed on record.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the 4th respondent to put the petitioner as well as the 6th respondent on notice and thereafter, cause inspection of the land in question in S.No.994/1 [Old S.No.238/1A1A1A Part], Melaveedhi, Tirukovilur Town, Villupuram District, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law within a further period of six weeks thereafter and communicate

the decision taken, to the petitioner as well as to the respondents 5 and 6 herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ap

To

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- 4.The Executive Officer
Town Panchayat Office
Tirukovilur, Villupuram District 605 757.

+1cc to Mr.J.Agni Selvaraju, Advocate, S.R.No.31367

+1cc to the Government Pleader, S.R.No.32271

WP.No.10742/2018

SKS (CO)
RRK(03/05/2018)

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