

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14990 of 2018

S.Yamunarani

....Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Salem.

2.The Commissioner,
Mettur Municipality,
Mettur Dam-2.

3.The Tahsildar,
Office of the Thasildar,
Mettur.

4.Selvakumar

5.S.P.Arthanari

6.Sivagami

....Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to take necessary action to remove the encroachment made by respondents

4 to 6 annexing the portion of municipal road located in T.S.No.109, Ward.D, Block.9 of Thangamapuri Pattinam, Mettur Taluk and Salem District by constructing compound wall.

For Petitioner : Mr.P.Johnson
For Respondents :Ms.M.Lalitha, Government Advocate
for R1 and R3

Mr.Thambusamy, Standing Counsel for R2

ORDER

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

By consent, the writ petition is taken up final disposal. Ms.M.Lalitha, learned Additional Government Pleader accepts notice for respondents 1 and 3 and Mr.Thambusamy, learned Standing Counsel accepts notice for 2nd respondent.

2. The petitioner claims to be a resident of Door No.36/107, Thangamapuri Pattinam, Mettur Dam-2, Salem District and she started constructing superstructure in T.S.No.108/1, Ward.D, Block.9, Mettur Municipality, Salem District and the respondents 4 to 6 had encroached upon certain portion of the municipal MTC Road in T.S.No.108/1 and started putting up compound walls which obstruct free flow of access to her plot, in T.S.No.107. In this regard, very many representations have been

sent and the 3rd respondent acting on the representation dated 26.03.2018 submitted by the petitioner has sent a communication to the 2nd respondent in O.Mu.No.2414/2018 (B5) dated 16.05.2018, pointing out the encroachment in T.S.Nos.104 to 106 by Sivagami, S.P.Arthanari and Selvakumar and therefore requested the 2nd respondent to remove the encroachment and submit a report to the office of the 1st respondent as well as to him. Though nearly one month had lapsed, no action has been taken to remove the encroachment and hence, he came forward to file this writ petition.

3. Mr.P.Johnson, learned counsel appearing for the petitioner would submit that the petitioner has applied for planning permission to put up a superstructure on her land in T.S.No.108/1 and for that purpose, she had submitted materials and due to the encroachments made by the respondents 4 to 6, she could not commence construction and on instructions, the learned counsel appearing for the petitioner would submit that construction activities would start only after obtaining necessary planning permission from the concerned authorities and the said submission on instructions is placed on record.

4. This Court has considered the rival submissions and also perused

the materials placed before it.

5. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner directs the 2nd respondent to act on the communication of the 3rd respondent dated 16.05.2018 in O.Mu.No.2414/2018 (B5) dated 16.05.2018 after putting the respondents 4 to 6 and other encroachers if any, on notice, shall take appropriate action in accordance with law and the said exercise is to be done within a period of ten weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioner as well as to the respondents 4 to 6 and other encroachers if any.

6. With the above direction, the writ petition stands disposed of. No costs.

सत्यमेव जयते

{M.S.N.J} {G.K.I.J}

21.06.2018

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Index : Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order

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To

1.The District Collector,
Office of the District Collector,
Salem.

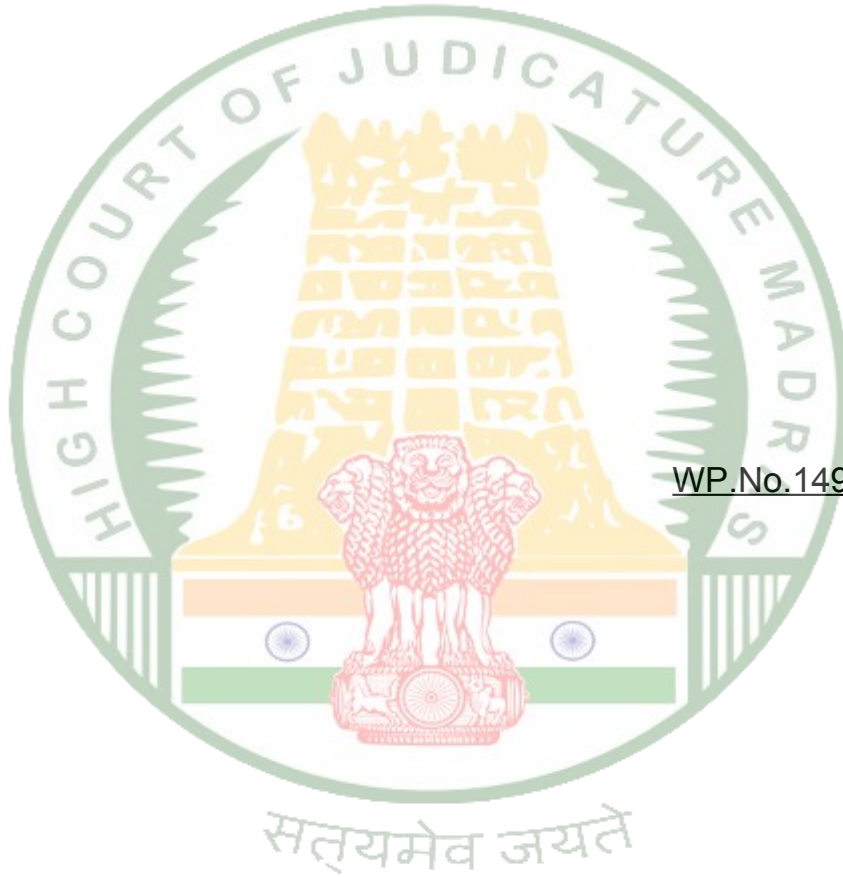
2.The Commissioner,
Mettur Municipality,
Mettur Dam-2.

3.The Tahsildar,
Office of the Thasildar,
Mettur.



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M.SATHYANARAYANAN, J.
AND
G.K.ILANTHIRAIYAN,J.
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