



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No. 262 of 2018

R.Anburani

.. Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Kadavur Taluk,
Kadavur,
Karur District.

3.N.Vadivel

.. Respondents

(R.3 is impleaded vide order
dated 12.01.2018 in
W.M.P.(MD)No.678 of 2018)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey No.706/14 situated at Pannapatti Village, Kadavur Taluk, Karur District within the period that may be stipulated by this Court.

For Petitioner

: Mr.M.M.Saravanan

For Respondents

: Mr.C.M.Marichelliah Prabhu
Additional Government Pleader.

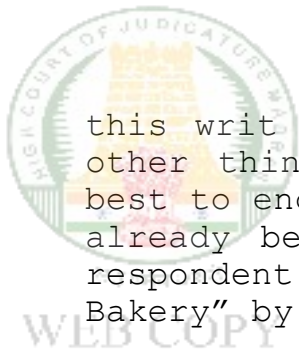
ORDER

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

By consent, this writ petition itself, is taken up for final disposal.

2.Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader, accepts notice for the respondents 1 and 2.

3. The petitioner claims to be a resident of Pannapatti Village, Kadavur Taluk, Karur District and he came forward to file



this writ petition as a Public Interest Litigation, alleging among other things that the anti-social elements are trying their level best to encroach upon the Government lands and one such incident had already been taken place in Survey No.706/14, wherein the third respondent is running a eatery under the name and style of "Iyengar Bakery" by encroaching upon the Public road.

4. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the photograph and would submit that from the photograph, it is clearly revealed that the lamp post is located on the side of the road and before that, the third respondent, not only put up an unauthorized construction, but also running a hotel without getting any license and on the basis of the representation submitted by the petitioner in this regard, the second respondent failed to invoke any kind of response and hence, the petitioner came forward to file the present Writ Petition.

5. This Court has considered the rival submissions and perused the materials placed before this Court.

6. Though the petitioner prays for a larger relief, in the light of the facts and circumstances, this Court, without going into the merits of the claim projected by the petitioner, directs the second respondent to put the petitioner as well as the third respondent on notice and cause inspection of the said premises and the place in question and depending upon the result of the same, shall take action in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the third respondent.

7. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Karur District, Karur.

2.The Tahsildar, Kadavur Taluk,
Kadavur, Karur District.

+One cc to Mr.M.M.Saravanan, Advocate, SR.No.42073

+One cc to The Special Government Pleader, SR.No.42542

ssl/vsg

RL/5C/2P/KKR/SAR1/29/1/2018

ORDER MADE IN
W.P (MD) No. 262 of 2018