



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.2658 of 2018

G.Prabhakar

.. Petitioner

Vs.

- 1.The District Collector,
Karur District.
- 2.The Revenue Divisional Officer,
Aravakurichy, Karur District.
- 3.The Tahsildar,
Aravakurichy Taluk,
Karur District.
- 4.The Block Development Officer,
Ka.Paramathi Panchayat Union,
Ka.Paramathi, Aravakurichy Taluk,
Karur District.

5.K.Kandasamy

6.C.Murugesan

.. Respondents

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 1 to 4 to remove the encroachments made by the fifth and sixth respondents in 36 feet wide cart way in S.F.No.608 A in Munnur Village, Aravakurichy Taluk, Karur District.

For Petitioner : Mr.T.Sundaravadanam

For Respondents 1 to 3 : Mr.S.Dhayalan,
Government Advocate.

For Respondent No.4 : Mr.S.Angappan

For Respondents 5 and 6 : Mr.S.Gokulraj

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.T.Sundaravadanam, learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate, appearing for the respondents 1 to 3, Mr.S.Angappan, learned counsel appearing for the fourth respondent and Mr.S.Gokulraj, learned counsel appearing for the respondents 5 and 6.

2.The petitioner alleges that there is an encroachment by the respondents 5 and 6 in a cart track. The complaint given by the petitioner was attended to by the respondents 1, 2 and 3 and appropriate direction has been issued to the fourth respondent. It is not known as to why the fourth respondent inspite of a specific direction issued by the third respondent, vide his proceedings, dated 31.01.2017, made in Na.Ka.No.A1/1379/2017, has not initiated any action. Even today, the fourth respondent has not given any proper instruction to his counsel.

3.The learned counsel appearing for the respondents 5 and 6 submits that his clients have not encroached into the pathway and they are open for any enquiry, that may be conducted.

4.Since the fourth respondent has not implemented the direction of the Tahsildar, Aravakurichy Taluk, we direct the Tahsildar, Aravakurichy Taluk, to depute a senior officer under his control to conduct an inspection of the entire area so as to ascertain as to whether there has been any encroachment and based on the Inspection Report, the Tahsildar, Aravakurichy Taluk, is directed to pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is needless to state that Inspecting Officer should be furnished with all the relevant records and he shall proceed based on the relevant records and examine as to whether there is any encroachment on ground.

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

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>
1.The District Collector,
Karur District.



2.The Revenue Divisional Officer,
Aravakurichy, Karur District.

3.The Tahsildar,
Aravakurichy Taluk,
Karur District.

4.The Block Development Officer,
Ka.Paramathi Panchayat Union,
Ka.Paramathi, Aravakurichy Taluk,
Karur District.

+1CC to Mr.T.Sundaravadanam, Advocate, SR.No. 54384

+1CC to Mr.S.Gokulraj, Advocate, SR.No. 54715

+1CC to the Special Government Pleader SR.No.54531

ORDER MADE IN
W.P (MD) No.2658 of 2018
09.03.2018

smn

AM/KKR/SAR 1/23.03.2018/3P/8C