



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.3214 of 2018

D.Kadhiyar

.. Petitioner

Vs.

1.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

2.The Executive Officer,
Kariapatti Town Panchayat,
Virudhunagar District.

3.M.Duraiaraj

4.V.Selvam

.. 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 and 2 to remove the encroachments and obstructions made by the respondents 3 and 4 over the public passages falling under S.No.68/15 and 68/29, Kariapatti Town, Virudhunagar District, within a time frame.

For Petitioner : Mr.S.Balamurugan

For Respondent No.1 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.2 : Mr.M.Rajarajan

For Respondent No.3 : Mr.S.Thirunavukarasu

For Respondent No.4 : No appearance

ORDER

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

Heard Mr. S.Balamurugan, learned counsel appearing for the petitioner, Mr.D.Muruganandam, learned Additional Government Pleader, appearing for the first respondent, Mr.M.Rajarajan, learned counsel appearing for the second respondent and



Mr.S.Thirunavukarasu, learned counsel appearing for the third respondent.

2.The petitioner alleges that the respondents 3 and 4 have encroached into a public passage. From the photographs produced, it is seen that the area in question is a very congested area and houses are small houses and some of them are tiled houses. The petitioner states that the respondents 3 and 4 are putting up construction, blocking the common passage. However, we cannot go into the controversy in a writ petition. It is not known as to whether the petitioner is guilty of any encroachment or there are others who have encroached. This fact should be taken note of by the second respondent and appropriate action should be initiated, if there is any encroachment. We make it clear that we have not rendered any finding as to whether the respondents 3 and 4 have encroached into the passage. It is for the second respondent to take a informed decision after giving sufficient opportunity to the parties and after following due process of law. The above direction be complied with by the second respondent, within a period of three weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar, Kariapatti Taluk, Virudhunagar District.

2.The Executive Officer, Kariapatti Town Panchayat,
Virudhunagar District.

+1CC to Mr.S.Balamurugan, Advocate, SR.No. 54698

ORDER MADE IN
W.P (MD) No.3214 of 2018
09.03.2018

smn

AM/RSK/SAR 1/21.03.2018/2P/4C