



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P(MD)No.3340 of 2018

R.Palaniyappan

.. Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

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

3.The Revenue Divisional Officer,
Karur,
Karur District.

4.The Tahsildar,
Karur,
Karur District.

5.The Commissioner,
Karur Municipality,
Karur.

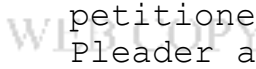
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fifth respondent to remove the encroachments made in Maavadiyan Koil street, Karur Town by implementing the order passed by the 2nd respondent vide his proceedings in Na.Ka.Aa1/12358/2016 dated 23.08.2016 and the order passed by the 3rd respondent vide his proceedings in Na.Ka.A4/3119/2015 dated 06.11.2015 within the time frame to be fixed by this Court.

For Petitioner : Mr.K.Balasubramani

For R1 - R4 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R5 : Mr.D.Raghu

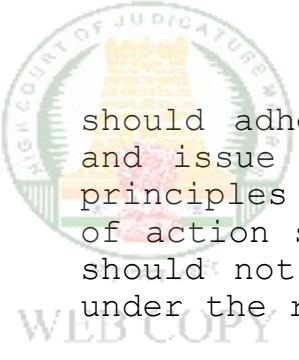


Heard Mr.K.Balasubramani, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.D.Raghu, learned counsel appearing for the fifth respondent municipality.

3.The petitioner, who claims himself to be a resident of Thottakuruchi Village, Karur Taluk, Karur District, is before this Court seeking a direction upon the fifth respondent to remove the encroachment made in Maavadiyan Koil Street, Karur Town, by implementing the direction issued by the second respondent vide proceedings dated 23.08.2016 and the order passed by the third respondent/Revenue Divisional Officer, dated 06.11.2015 within a time frame.

5. On a perusal of the said proceedings, we find that there are several encroachments in the municipal land / road and buildings are constructed and there are houses, shops and temples etc. It is not known as to whether, the respondents 1 to 4 were silent spectators for all these years and permitted to construct buildings in the municipal lands. The fifth respondent being the local body is bound to protect the property of the municipality, equally the Revenue Divisional Officer also has to protect the revenue lands and other Government properties. If there is any breach in this regard, it would clearly amount to breach of public trust, which enjoins upon the authorities to act for public good and protect the public property. The above should be bear in mind not only by the Commissioner of Karur Municipality but also by the Revenue Officials themselves.

7. In the light of the above, this Writ Petition is disposed of, by directing the fifth respondent municipality to proceed pursuant to the proceedings of the second respondent in accordance with law. Needless to state that the fifth respondent



should adhere to the procedure stipulated in the relevant statute and issue notice to the encroachers and after complying with the principles of natural justice, action should be initiated. The core of action should be administered by the fifth respondent that there should not be any high-handed action and the procedure stipulated under the relevant statute has to be followed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Karur District, Karur.
- 2.The District Revenue Officer, Karur, Karur District.
- 3.The Revenue Divisional Officer, Karur, Karur District.
- 4.The Tahsildar, Karur, Karur District.
- 5.The Commissioner, Karur Municipality, Karur.

+1CC to Mr.K.Balasubramani, Advocate, SR.No. 49469

+1CC to Mr.J.Senthil Kumaraiah, Advocate, SR.No. 50134

+1CC to the Special Government Pleader SR.No.50223

ORDER MADE IN
W.P (MD) No.3340 of 2018
19.02.2018

rmi/cm

AM/SKN RSK/SAR 2/08.03.2018/3P/9C