



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.03.2018

CORAM:

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

W.P (MD) No.5328 of 2018

O.Subramanian

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tashildar,
Sivagangai Taluk,
Sivagangai.

3.The Block Development Officer,
Kalayarkoil Union,
Kalayarkoil,
Sivagangai Taluk,
Sivagangai District.

4.Tmt.Sigappi

... 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 1st respondent to conduct enquiry on the representation dated 12.02.2018 made by the villagers and take necessary action against the 4th respondent to remove the encroachments made by her situated in S.Nos.137/1, 137/2 and 137/3 in Kadaneri Village, Sivagangai Taluk, Sivagangai District and further direct to implement the project of construction of community hall within this financial year.

For Petitioner : Mr.C.Arul Vadivel Alias Sekar

For R-1 & R-2 : Mr.M.Murugan,
Government Advocate

ORDER

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



2. Mr.M.Murugan, learned Government Advocate accepts notice on behalf of respondents 1 and 2.

3. The present Writ Petition styled as a 'Public Interest Litigation', is filed by the petitioner, who also claims to be a public spirited person and also the Joint Secretary of 'Viduthalai Chiruthaigal Katchi (VCK)', which is a registered and recognised political party.

4. The petitioner would further aver that the Government of Tamil Nadu had launched 'National Rural Employment Guarantee Scheme' on 02.02.2006 and also 'Mahatma Gandhi National Rural Employment Guarantee Scheme-TSN (MGNREG)' and guidelines had also been formulated in G.O.Ms.No.89, Rural Development and Panchayat Raj (CGSI) dated 20.08.2006.

5. The petitioner would further aver that the Sivagangai District Administration had decided to put up a 'Community Hall' at the cost of Rs.60 lakhs for the welfare of the Self Help Groups functioning in various villages at Sivagangai District, vide letter dated 15.09.2017 in Na.Ka.No.61627/2017 MGNREG Scheme.

6. The grievance expressed by the petitioner is that for the purpose of constructing the said 'Community Hall', the land in Survey Nos.137/1, 2 and 3 at Kadaneri Village, Sivagangai Taluk, Sivagangai District, has been identified and however, the said land has been encroached upon by the fourth respondent and in this regard, a representation has also been submitted to the third respondent, who vide communication dated 09.03.2018 in Na.Ka.B3/2193/2017, has requested the second respondent herein to remove the encroachment and despite such communication, no action has been taken by the third respondent, to remove the encroachment and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

7. This Court has heard the submissions of Mr.C.Arul Vadivel Alias Sekar, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate, who accepted notice on behalf of respondents 1 and 2.

8. This Court, taking into consideration the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representation, directs the second respondent to cause inspection of the land in Survey Nos.137/1,2 and 3 of Kadaneri Village, Sivagangai Taluk, Sivagangai District, after putting the petitioner and the fourth respondent on notice, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the said inspection/survey, shall take appropriate action in accordance with law in the event of any encroachment being found, within a further period of six weeks



thereafter and communicate the decision taken, to the petitioner as well as the fourth respondent.

9. The Writ Petition stands disposed of accordingly. No Costs.

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Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tashildar,
Sivagangai Taluk,
Sivagangai.
- 3.The Block Development Officer,
Kalayarkoil Union,
Kalayarkoil,
Sivagangai Taluk,
Sivagangai District.

+1CC TO M/S.C.ARUL VADIVEL @ SEKAR, ADVOCATE, SR NO.55032

ORDER MADE IN
W.P (MD) No.5328 of 2018
14.03.2018

pm

MS/SKN-RSK/SAR-3/15.03.2018/3P.5C