



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2018

CORAM:

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

W.P (MD) No.5606 of 2018

Muthaiah

... Petitioner

Vs.

1.The District Collector,
Pudukottai, Pudukottai District.

2.The District Revenue Officer,
Pudukottai,
Pudukottai District.

3.The Tahsildar,
Ponnamaravathy Taluk,
Pudukottai District.

4.The Block Development Officer,
Ponnamaravathy Panchayat Union,
Pudukottai District.

5.The Inspector of Police,
Ponnamaravathy,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to remove the encroachments and protect the public bore-well in Survey No.850 of Ponnamaravathy West village, Anna Nagar, Ponnamaravathy, Pudukottai District based on the fourth respondent's proceedings in MD/324/2008, dated 31.01.2018 based on the petitioner's representation dated 30.01.2018.

For Petitioner

: Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj

For Respondents

: Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the respondents.

3. The petitioner came forward to file this writ petition styled as Public Interest Litigation stating among other things that in Ponnamaravathy West Village Survey No.850, four way road is situated and there is a road which is leading to public burial / cremation road and the residents of Thottiyampatty Village used to take the dead body for burial / cremation through the said road. However, some of the residents viz., Devendran s/o Malaichamy, Prabhu s/o Chinniah, Senthilkumar s/o Malaichamy, Jeyakumar s/o Late.Rasu, Barath s/o Alagesan, Siva s/o Saminathan and Rajesh s/o Rajendran proclaimed that they are going to construct Pillaiyar Temple and then process is going to close the bore-well and also thereby obstruct the public pathway also, which is leading to the cremation / burial ground and it was also brought to the knowledge of the Block Development Officer, Pudukottai, who vide communication in B.D.2/324/2008, dated 31.01.2018, requested the third respondent to take appropriate action to remove the encroachment and inspite of such communication, no action has been taken to remove the encroachment and as a result, the residents of Thottiyampatty Village are found extremely difficult to reach the burial ground and on account of closing of bore-well, they are put to untold hardship and in this regard, a representation dated 05.03.2018 has been furnished to the first respondent, followed by yet another representation dated 07.03.2018 to the third respondent and despite of receipt of acknowledgment, no action has been taken either to remove the encroachment or to restore the bore-well and therefore the petitioner came forward to file the present writ petition.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 3 and 4, after putting the petitioner and the above persons on notice, shall cause inspection of the land in Survey No.850 of Ponnamaravathy West Village within a period of four weeks from the date of receipt of a copy of this order and depends upon the inspection / survey, the respondents 3 and 4 shall take appropriate action to remove the encroachment if any, after putting them on notice, within a further period of four weeks thereafter and communicate the same to the petitioner as well to the concerned encroachers.



6. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Pudukottai,
Pudukottai District.
- 2.The District Revenue Officer,
Pudukottai,
Pudukottai District.
- 3.The Tahsildar,
Ponnamaravathy Taluk,
Pudukottai District.
- 4.The Block Development Officer,
Ponnamaravathy Panchayat Union,
Pudukottai District.
- 5.The Inspector of Police,
Ponnamaravathy,
Pudukottai District.

+1CC to Mr.Na.Palaniyandi, Advocate, SR.No. 55823
+1CC to the Special Government Pleader SR.No.56274

W.P (MD) No.5606 of 2018
16.03.2018

ssl
AM/JC/SAR 1/27.03.2018/3P/8C