



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

CORAM:

WEB COPY

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

W.P (MD) No.5662 of 2018

S.Balan @ Balasubramanian

.. Petitioner

Vs.

1.The District Collector,
Collectorate,
Tuticorin District.

2.The Assistant Director of Panchayat,
Office of Collectorate,
Tuticorin District.

3.The Block Development Officer,
Karungulam Union,
Tuticorin District.

4.The Tashildar,
Tashildar Office,
Thiruvaigundam Taluk,
Tuticorin District.

5.S.Sivaganam

6.Balasundari

7.A.Muthuraj

8.Muthammal

9.Manickam

10.Sankarammal

11.Sivanpillai

12.Sankaran

13.Arumugathammal

14.Muthusamy

15.Ganapathiyammal

.. 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 encroachment made by the respondent 5 to 15 herein in Survey Nos.1599, 1971, 1971/27, 1971/6, 1970/2, 1967/2, 1589/3B, 1589/2B, 2C, 2D, 1592/2, 1592/2A, 1583/1, which is situated at Chokkalingapuram Village, Thiruvaigundam Taluk, Tuticorin District, by considering the petitioner's representation dated 19.02.2018 within a stipulated time to be fixed by this Court.



For Petitioner : Mr.J.Senthil Kumaraiah
For R-1 to R-4 : Mr.A.Muthukaruppan,
Additional Government Pleader

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ORDER

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

By consent, the main writ petition itself, is taken up for final disposal.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4.

3. This Writ Petition styled as a 'Public Interest Litigation', is filed by the petitioner, who is a resident of Chokkalingapuram, Sekkarakudi Panchayat, Thiruvaigundam Taluk, Tuticorin District and in his representation dated 21.12.2017, submitted to the first respondent, he would state that on both sides of the road leading to Umarikottai road, the private respondents and other encroachers had encroached upon the drainage channel and also put up superstructures and as a consequence, the width of the road got reduced and the people of the locality are also suffering very much, for lack of transportation and since no orders have been passed on the said representation, the petitioner came forward to file this Writ Petition.

4. The learned counsel appearing for the petitioner would submit that the private respondents and other encroachers had encroached upon the lands in Survey Nos.1599, 1971, 1971/27, 1971/6, 1970/2, 1967/2 in 'Oorani Kulathukarai' and also in the leading road from that place in Survey Nos.1589/3B, 1589/2B, 2C, 2D, 1592/2, 1592/2A, 1583/1 of Chokkalingapuram Village, Thiruvaigundam Taluk, Tuticorin District and despite receipt and acknowledgment of the representation, for removal of encroachment and thereby avoid the nuisance, no steps have been taken so far, to redress the grievance and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

5. This Court has heard the submissions of Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepted notice on behalf of respondents 1 to 4, also.

6. This Court, taking into consideration the above 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 respondents 3 and 4, to cause inspection of the above said survey numbers after putting the private respondents as well as other encroachers if any 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 survey or



inspection, shall take appropriate action, on merits and in accordance with law, to remove the encroachment, within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the private respondents and other encroachers if any.

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

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Collectorate,
Tuticorin District.
- 2.The Assistant Director of Panchayat,
Office of Collectorate,
Tuticorin District.
- 3.The Block Development Officer,
Karungulam Union,
Tuticorin District.
- 4.The Tashildar,
Tashildar Office,
Thiruvaigundam Taluk,
Tuticorin District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.56542
+1CC TO M/S.J.SENTHIL KUMARAIAH, ADVOCATE, SR NO.56098

ORDER MADE IN
W.P (MD) No.5662 of 2018
19.03.2018

pm

MS/SV-MMS/SAR-1/02.04.2018/3P.7C