



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.70 of 2018
and
W.M.P (MD) Nos.63 & 64 of 2018

G.Ravichandran .. Petitioner
Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thiruvidamarudur Taluk,
Thanjavur District.

3.The Block Development Officer,
Thiruppananthal,
Thiruvidaimarudur Taluk,
Thanjavur District.

4.The District Manager,
TASMAC,
Thanjavur District.

5.The Village Secretary,
Karuppur Village Panchayat,
Karuppur Village,
Pandanallur,
Thiruvidamarudur Taluk,
Thanjavur District.

6.Selvam .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 5 herein to forthwith demolish the building unauthorizedly constructed by the 6th respondent herein in the agricultural land comprised in S.No.211/1A situated at Karuppur Village, Pandanallur, Thiruvidamarudur Taluk, Thanjavur District.

For Petitioner : Mr.B.Natarajan
for Mr.S.Vinayak



WEB COPY

For Respondents : Mr.D.Muruganandam,
Additional Government Pleader
for Respondents 1,2 & 5
Mr.J.Gunaseelan Muthiah for R.3
Mr.H.Arumugam,
Standing Counsel for R.4
Mr.G.Gomathi Sankar for R.6
* * * * *

ORDER

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

Heard Mr.B.Natarajan, learned Counsel appearing for the petitioner, Mr.D.Muruganandam, learned Additional Government Pleader appearing for Respondents 1, 2 & 5, Mr.J.Gunaseelan Muthiah, learned Counsel appearing for the third respondent, Mr.H.Arumugam, learned Standing Counsel appearing for the fourth respondent and Mr.G.Gomathi Sankar, learned Counsel appearing for the sixth respondent.

2. The petitioner has filed this writ petition praying for a direction upon the respondents 1 to 5 to forthwith demolish the building unauthorizably constructed by the sixth respondent, wherein, the fourth respondent has located a TASMACH Retail Vending Shop, bearing number 240.

3. The learned Counsel for the sixth respondent would submit that the land is not owned by the sixth respondent, but, the father of the sixth respondent is the owner. However, there is a partition suit in respect of the said property, which is pending between the father of the sixth respondent and third parties.

4. Thus, it is clear that the property where the TASMACH shop is located is a property, which is an undivided one and therefore, as on date, the sixth respondent does not have any independent right over a particular extent of the said property.

5. It is rather unfortunate, TASMACH, being a Government Corporation, did not even verify all these aspects and it is not known, as to how they managed to obtain site approval from the District Collector.

6. On account of the glaring error committed by the fourth respondent, we direct the fourth respondent to close the TASMACH shop, bearing No.240 as well as the bar attached to the shop, within a period of one week from the date of receipt of a copy of this order.

7. It is open to the fourth respondent to relocate the TASMACH shop in any other unobjectionable site, with prior approval of the District Collector/first respondent herein.



8. This writ petition stands allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (RTI)

Sub-Assistant Registrar

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Thiruvidamarudur Taluk,
Thanjavur District.
- 3.The Block Development Officer,
Thiruppananthal,
Thiruvidaimarudur Taluk,
Thanjavur District.
- 4.The District Manager,
TASMAC,
Thanjavur District.
- 5.The Village Secretary,
Karuppur Village Panchayat,
Karuppur Village,
Pandanallur,
Thiruvidamarudur Taluk,
Thanjavur District.

+One cc to Mr.H.Arumugam, Advocate, SR.No.54013

+One cc to Mr.G.Gomathi Shankar, Advocate, SR.No.53733

+One cc to The Special Government Pleader, SR.No.53821

gk
RL/9C/3P/SKN/RSK/4/4/2018

W.P. (MD) No.70 of 2018
and

W.M.P (MD) Nos.63 & 64 of 2018