



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.11025 of 2018
and W.M.P. (MD) No.10128 of 2018

Ayyakalai

... Petitioner

-vs-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Sub Collector,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
- 4.The Assistant Director,
Town and Country Planning,
Sivagangai Region,
Sivagangai District.
- 5.The Block Development Officer,
S.Pudur Panchayath Union,
S.Pudur,
Singampunari Taluk,
Sivagangai District.
- 6.The Special Officer (Village Panchayath) /
Block Development Officer,
Puluthipatti Panchayath,
S.Pudur Panchayath Union,
S.Pudur,
Singampunari Taluk,
Sivagangai District.
- 7.Abibullah
- 8.Peer Mohamed
- 9.M.Raja Mohamed

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 9 in S.F.No.298/4 of Puluthipatti Village,



Singampunari Taluk, Sivagangai District and to demolish the unauthorized construction in S.F.No.298/3 of Puluthipatti Village, Singampunari Taluk, Sivagangai District constructed by the Respondents 7 to 9.

For Petitioner : Mr.B.Prasanna Vinoth
 For Respondents 1 to 6 : Mr.K.Saravanan
 Government Advocate
 For Respondents 7 to 9 : Mr.B.Jameel Arasu

ORDER

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

This writ petition has been filed seeking a direction to the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 9 in S.F.No.298/4 of Puluthipatti Village, Singampunari Taluk, Sivagangai District and to demolish the unauthorized construction in S.F.No.298/3 of Puluthipatti Village, Singampunari Taluk, Sivagangai District constructed by the Respondents 7 to 9.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 6 and the learned counsel for the respondents 7 and 9.

3.The sum and substance of the case of the petitioner is that the respondents 7 to 9 have put up construction over a public land, which is inclusive of a public well.

4.The learned counsel appearing for the petitioner submits that the well has been closed and public property was encroached and construction was put up by the private respondents and the construction is also without planning permission.

5.The learned counsel appearing for the private respondents would submit that it is a private dispute. Orders have already obtained against the petitioner by the private respondents. The Pallivasal has been in the place from 1992 onwards. Any grievance could be redressed only under the Walf Act.

6.The learned Government Advocate appearing for the respondents 1 to 6 would submit that the President of the Pallivasal admitted to the encroachment.

7.It is not correct to put up construction occupying public property. Considering the submissions made, we direct the respondent No.1 to take appropriate action for removing the encroachment after due notice to the petitioner and the respondents 7 to 9. Insofar as alleged unauthorized construction



is concerned, the respondent No.4 is directed to look into the same and take appropriate action on the representation of the petitioner dated 19.03.2018. Orders will have to be passed within eight weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition stands closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Sub Collector,
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6. The Special Officer (Village Panchayath) /
Block Development Officer,
S.Pudur Panchayath Union,
S.Pudur,
Singampunari Taluk,
Sivagangai District.

+ 1 CC TO Mr.AN.RAMANATHAN, ADVOCATE IN SR No. 83909
+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 83756
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84079

SJ

TE/RSK/SAR-4 : 05/10/2018 : 3P/10C