



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD].No.11296 of 2018
and
W.M.P (MD) No.10298 of 2018

1.P.Kanagaraaj
2.Mrs.A.Shanthi
3.Dr.D.Thilagavathy
4.M.Prasanna
5.R.Aarthi

: Petitioners

Vs.

1.The District Collector,
District Collectorate,
Karur District,
Karur.

2.The Assistant Director of Rural Development (Panchayats),
District Collectorate,
Karur District.

3.The Block Development Officer,
Paramathi Panchayat Union,
Aravankurichi Taluk,
Karur District.

4.The Special Officer,
Thumbivadi Panchayat,
Aravankurichi Taluk,
Karur District.

5.The Tahsildar,
Thumbivadi Panchayat Limit,
Aravankurichi Taluk,
Karur District.

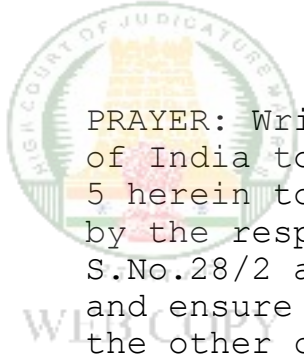
6.Annur Amman Payaragule Kalvi Samaya Committee,
Represented by its President,
Samiyappan,
Thumbivadi Village,
Aravankurichi Taluk,
Karur District.

7.Samiyappan

<https://hcservices.ecourts.gov.in/hcservices/>

8.S.Ganesh

: Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 herein to take immediate action to remove the encroachment put up by the respondents 6 to 8 in the 33' Feet Panchayat Road situated in S.No.28/2 at Thumbivadi Village, Aravankurichi Taluk, Karur District and ensure that the 33' Feet Panchayat Road is free to access all the other connecting roads, by considering the petitioner's Representation, dated 05.05.2018.

For Petitioners	: Mr.Niranjana S.Kumar
For R1, R2, R4 & R5	: Mr.M.Jeyakumar
	Additional Government Pleader
For R3	: Mr.N.Shanmugaselvam
For R6 to R8	: Mr.J.Senthil Kumaraiah

ORDER

[Order of the Court was made by R.SUBBIAH, J.]

This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 5 herein to take immediate action to remove the encroachment put up by the respondents 6 to 8 in 33' Feet Panchayat Road situated in S.No.28/2 at Thumbivadi Village, Aravankurichi Taluk, Karur District and ensure that 33' Feet Panchayat Road is free to access from all other connecting roads, by considering the petitioner's Representation, dated 05.05.2018.

2.It is the case of the petitioner that the entire layout comprised in Survey Nos.26 and 28/1 at Thumbivadi Village, Aravankurichi Taluk, Karur District, adjacent to the petitioner's property, 33' Feet Panchayat Road runs connecting the Main Road. Likewise, opposite to the petitioner's property, in S.No.27, a Temple known as "Aanuur Amman Temple" is situated. The Temple is run by the Trust known as "Aanuur Amman Temple Administrative Committee". Originally, there was no permanent structure for the Temple. Subsequently, the Administrative Committee have put up a permanent structure for the Temple. Obviously, while putting up construction, the Temple Administrative Committee have knowingly encroached the Panchayat Road, resulting in causing obstruction to the people to use the Panchayat Road. The Temple authority constructed a small compound wall on the Panchayat Road causing blockage to all the people, who used such 33 Feet Panchayat Road in Survey No.28/2 at Thumbivadi Village, Aravankurichi Taluk, Karur District. Hence, the petitioner has made a representation, dated 05.05.2018 to remove the encroachment. But the said representation was not considered so far. Hence, the petitioner has filed the present writ petition for the aforesaid relief.

3. When the matter came up for admission, notice was ordered to the private respondents Nos.6 to 8, who are the Trustees of the Temple. The respondents 6 to 8 are represented by Mr.J.Senthil Kumaraiah, learned counsel.



4. We have heard the submissions of the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the respondents 1,2,4 & 5 and the respondents 6 to 8 & 3 and perused the materials available on record.

5. On hearing the submissions, this Court is constrained to pass the following orders:-

We direct the respondents 3 to 5 to measure the land in Survey No.28/2, Thumbivadi Village, Aravankurichi Taluk, Karur District with the help of Field Map and 'A' Register and title documents, and if they find that there is any encroachment, they are directed to initiate appropriate action by issuing proper notice to the respondents 6 to 8 to appear for personal hearing and pass appropriate orders, on merits and in accordance with law. The entire exercise shall be completed within a period of two months.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
District Collectorate, Karur District, Karur.
2. The Assistant Director of Rural Development (Panchayats),
District Collectorate, Karur District.
3. The Special Officer, Thumbivadi Panchayat,
Aravankurichi Taluk, Karur District.
4. The Tahsildar, Thumbivadi Panchayat Limit,
Aravankurichi Taluk, Karur District.

+1CC to Mr.Niranjan S.Kumar, Advocate, SR.No.95307

+1CC to Mr.J.Senthil Kumaraiah, Advocate, SR.No.95574

+1CC to the Special Government Pleader SR.No.95394

W.P (MD) No.11296 of 2018
14.11.2018

AM

ES/SKN/RSK/SAR 2/28.11.2018/3P/8C