



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM:

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

W.P (MD) No.18656 of 2017

Manimuthu

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District.
2. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
3. The Executive Officer,
Siravayal Village Panchayat,
Thiruppathur Taluk,
Sivagangai District.

4.Kanthasamy

5.Solaialagu

6.Bose

7.Pandimuthu

[Respondents 4 to 7 are impleaded, vide
order, dated 13.10.2017, made in
W.M.P (MD) No.15495 of 2017]

.. 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 to take action for removing encroachments in Survey No.527/1 at Aathi Dravidar Colony, Maruthangudi Village, Thiruppathur Taluk, Sivagangai District, within a time frame by considering the representation, dated 19.12.2016.

For Petitioner

: Mr.D.Venkatesh

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

For Respondents 1 to 3

: Mr.A.K.Baskarapandian,
Special Government Pleader.

**ORDER**

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

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

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2.Mr.A.K.Baskarapandian, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 3.

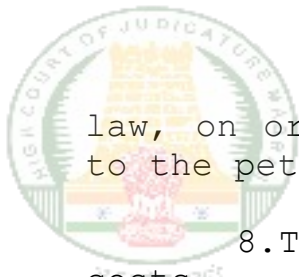
3.The writ petition is filed as a Public Interest Litigation by the petitioner, who claims to be a resident of Aathi Dravidar Colony, Maruthangudi Village, Thiruppathur Taluk, Sivagangai District and according to him, as per the Village Accounts, Survey No.527/1 of the said village, is common utility place for entire village and however the respondents 4 to 7 under the guise of conducting Pongal festival, encroached upon the said place meant for public utility and started putting up a stage and also constructing a temporary gallery and a banner of a political party [Viduthalai Siruthaigal] is also put up. The petitioner, in this regard, has submitted a representation, dated 19.12.2016, to the first respondent, with a copy marked to the Sub Collector of Devakottai and Tahsildar of Thiruppathur Taluk - second respondent and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the Revenue Record as well as the Sketch of the concerned place and would submit that as per Natham Land Tax Scheme Original Adangal Register, the said land in Survey No.527/1 is classified as village common site [grama pothu idam] and Survey No.527/39 and 39 are classified as street and since the land in Survey No.527/1 is meant for public utility, the private respondents cannot encroach upon and put up unauthorised construction even by way of temporary in nature and prays for appropriate orders.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the representation submitted by the petitioner would be duly considered and will be disposed of in accordance with law within a stipulated time.

6.This Court has considered the rival submissions and perused materials available on record.

7.Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the averments made in the representation as well as in the writ petition, directs the ~~respondents~~ to put the respondents 4 to 7, on notice and thereafter consider and dispose of the petitioner's representation, dated 19.12.2016, on merits and in accordance with



law, on or before 12.01.2018, and communicate the decision taken, to the petitioner as well as to the private respondents.

8.The writ petition stands disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District.
2. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
3. The Executive Officer,
Siravayal Village Panchayat,
Thiruppathur Taluk,
Sivagangai District.

+ 1 cc TO Mr.D.Venkatesh , Advocate in SR No. 40036
+ 1 cc TO The Special Government Pleader in SR No. 40270

smn

AE/JC/SAR1/05.01.2018/3P/6C

**ORDER MADE IN
W.P(MD)No.18656 of 2017
02.01.2018**