



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.01.2018

WEB COPY

CORAM:

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

W.P (MD) No.19791 of 2017

Malaichamy

... Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.
2. The Revenue Divisional Officer,
Kulithalai, Karur District.
3. The Thasildar,
Taluk Office,
Tharagampatty, Kadavoor Taluk,
Karur District.
4. The Block Development Officer,
Kadavoor Panchayat Union,
Tharagampatty,
Kadavoor Taluk,
Karur District.

... 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 dispose of the petitioner's representation dated 24.04.2017 consequently direct the fourth respondent to take appropriate steps to laid the road in S.Nos.1359, 1360, 1361 and construct the bridge in river channel in S.Nos.1357 and 1358 at Edayapatti East Village, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.Asok Kumar Ram

For R-1 to R-4 : Mr.A.Muthukaruppan,
Additional Government Pleader

**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 R-1 to R-4.

3. The Writ Petition styled as 'Public Interest Litigation' is filed by the petitioner, who is a resident of Othapanaiyur, Alathur, Edaiyapatty East, Kadavoor Taluk, Karur District.

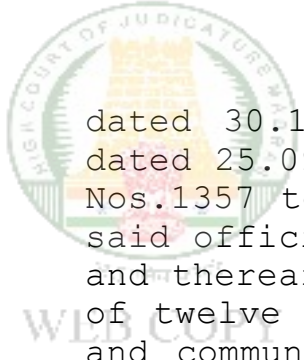
4. The petitioner in the affidavit filed in support of this Writ petitioner would aver among other things that four hamlets namely, Sukkampatty, Alathur, Othapanaiyur, Sonamanaikanur are using the panchayat road, which is classified as 'Cart Track' as per revenue records in S.Nos.1359, 1360 and 1361 of Edayapatty village and some persons had not only encroached upon the said lands, but also encroached upon Survey Nos.1357 and 1358 of the said village, which is classified as 'river channel'. The said fact was also brought to the knowledge of the first respondent whose office vide memo dated 30.11.2016 in ~~9.0.01~~ 22128/2013, has directed the third respondent to look into it and inform the decision taken, to the petitioner. The fourth respondent in his communication dated 25.09.2014 in Na.Ka.A5/1019/2014 has also requested the third respondent to cause inspection of the said area and take action for removal of encroachments and submit a report to their office.

5. The learned counsel appearing for the petitioner would submit that despite the said communications, no action has been taken to inspect the lands in question and as such, the encroachers continued to squat over the properties and therefore, prays for appropriate orders.

6. This Court heard the submissions of Mr.A.Muthukaruppan, learned Additional Government Pleader, who would submit that a direction may be issued to the third respondent to act on the communication of the first and fourth respondents dated 30.11.2013 and 25.09.2014 respectively.

7. This Court Heard the submissions made on either side and perused the materials placed before it.

8. This Court taking into consideration the above facts and ~~services and principles of~~ the case, without going into the merits of the claim projected by the petitioner, directs the third respondent to act on the communication of the office of the first respondent



dated 30.11.2013 and the communication of the fourth respondent dated 25.09.2014 and shall cause inspection of the lands in Survey Nos.1357 to 1361 of Edayapatty Village, Karur District and if the said official finds that there are encroachers, put them on notice and thereafter take action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the encroachers.

8. The Writ Petition stands disposed of accordingly. No Costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District, Karur.
2. The Revenue Divisional Officer,
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3. The Thasildar,
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Karur District.
4. The Block Development Officer,
Kadavoor Panchayat Union,
Tharagampatty,
Kadavoor Taluk,
Karur District.

+ 1 CC TO Mr.K.ASOKKUMAR, ADVOCATE IN SR No. 42921
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43096

PM
TE/KK/SAR-4 : 05/02/2018 : 3P/7C

ORDER MADE IN
W.P (MD) No.19791 of 2017
19.01.2018