



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.18949 of 2018

and

W.M.P. (MD) .No.16769 of 2018

M.Kanagaraj

: Petitioner

Vs.

1.The District Collector,
Theni, Theni District.

2.The Revenue Divisional Officer,
Uthamapalaym, Theni District.

3.The Tahsildar,
Uthamapalayam, Theni District.

4.P.Subbiah @ Hitler

5.K.Andavar

6.S.Mallaiyan

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the encroachment made in Survey No.760/2 Odaipatti Village, Uthamapalayam Taluk, Theni District, and restore the Well as well as the Over Head Tank situated in the said property so as to put the same to the use of general public by considering the representation dated 31.07.2018 and reminder dated 16.08.2018 within a stipulated time.

For petitioner

: Mr.S.C.Herold Singh

For respondents 1to3

: Mr.K.Saravanan

Government Advocate

O R D E R

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

The petitioner made a representation dated 16.08.2018 to the respondents 1 to 3 stating that the land situated in Survey No.760/2 Odaipatti Village, Uthamapalayam Taluk, Theni District, has been encroached by obliterating the Well and on receipt of one of the representations made by the petitioner, the Executive Officer, Odaipatti Town Panchayat, Uthamapalayam Taluk, Theni District, has sent a communication dated 11.07.2017 to the encroachers to remove



the encroachment. As there is no further action taken, the petitioner has made a further representation to the respondents 1 to 3. Since there was no action, the present Writ Petition has been filed.

2. Considering the above, without going into the merits of the case, we direct the third respondent to take appropriate action to remove the encroachment, after following the due process of law. It is made clear that if the property in question belongs to the Odaipatti Town Panchayat, the Executive Officer, Odaipatti Town Panchayat, shall act accordingly and remove the encroachment, pursuant to his communication dated 11.07.2017, within a period of eight weeks from the date of receipt of a copy of this order.

3. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar (CS-II)

To

1.The District Collector,
Theni, Theni District.

2.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

3.The Tahsildar,
Uthamapalayam, Theni District.

4.The Executive Officer,
Odaipatti Town Panchayat,
Uthamapalayam, Theni District.

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No. 81383

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KK/RSK/SAR-2/10.09.2018/2P-6C