



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM:

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

W.P (MD) No.23226 of 2017

K.Rajendran

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.
3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
4. The Executive Officer,
Thondi Panchayat Board Office,
Thondi, Thiruvadanai Taluk,
Ramanathapuram District.
- 5.V.Balasubramanian
- 6.V.Nagarasu
- 7.V.Patchacharam
- 8.C.Balu
- 9.A.Neelakandan
- 10.K.Tharmaraj
- 11.K.Raja
- 12.K.Muneeswaran
- 13.K.Karuppiah
- 14.P.Murugesan
- 15.Karuppiah
- 16.Ramachandran
- 17.Arumugam
- 18.P.Ramalingam
- 19.A.Sathurukkan



20.V.Subbiah
21.Adaikalam
22.Thangamani
23.Thirunavukkarasu

.. 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 1 to 4 to consider the petitioner's representation dated 24.04.2017 and 04.12.2017 respectively and to remove the encroachments made by the respondents 5 to 23 in Survey Nos.49, 50, 50/4 and 51 situated at Muni Iyaa Kovil Street and Pudukudi, Thondi Panchayat, Thiruvadanai Taluk, Ramanathapuram District, within a stipulated time to be fixed by this Court.

For Petitioner	: Mr.S.Muthukumar
For R-1 to R-3	: Mr.A.Muthukaruppan, Additional Government Pleader
For R-4	: Mr.R.Anandharaj
For R-8	: Mr.G.Ganeshkumar
For R-5 to R-7, R-9 to 14 and R-17, R-22	: Mr.R.J.Karthick
For R-16 and R-18 to 21	: No Appearance

ORDER

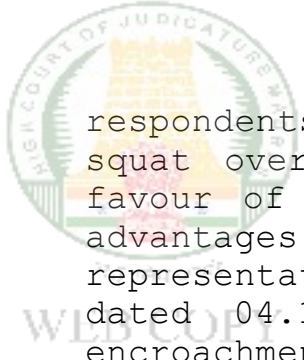
[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

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

2. The petitioner claims to be Ex-councilor of 3rd Ward of Thondi. He came forward to file this Writ Petition styled as 'Public Interest Litigation'.

3. It is the case of the petitioner that in order to accommodate the persons, who affected by natural causes such as cyclone etc., he made arrangements to build houses under the Government Tsunami Scheme and tenements have also been built by spending a sum of Rs.3 ½ crores and the said tenements are located at A.Manakudi Village, near Thondi. The respondents 5 to 23 were identified as beneficiaries and they were allotted houses and despite that, the respondents 5 to 23 continued to squat over the land by way of encroachment, without shifting their residence to the houses built under the Government Tsunami Scheme in Survey Nos.49, 50, 50/4,51 at Muni Iyaa Kovil Street, Pudukudi, Thondi.

4. The petitioner would further aver that the private



respondents 5 to 23 without shifting the residence, continued to squat over the land and also leased out the said tenements in favour of the third parties and started gaining undue pecuniary advantages. The petitioner in this regard, has submitted a representation dated 24.05.2017 and yet another representation dated 04.12.2017 to the official respondents for removal of encroachment and despite the receipt and acknowledgment, no steps have been taken to do the said lawful exercise and therefore, he is constrained to approach this Court by filing this Writ Petition.

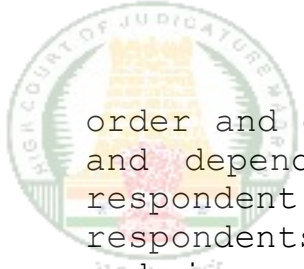
5. The learned counsel appearing for the petitioner would draw the attention of this Court to the typed set of documents and would submit that though the private respondents 5 to 23 have been identified as beneficiaries and they were allotted houses and despite that, they continued to squat over the land by way of encroachment without shifting their residence to the houses built under the Government Tsunami Scheme and despite the representations drawing the attention of the official respondents as to the said illegal act, they failed to invoke any kind of response and therefore, the petitioner is constrained to file this Writ Petition.

6. The learned counsel appearing for the fourth respondent/ Executive Officer, Thondi Panchayat, would submit that the fourth respondent has sent a communication to the third respondent requiring the assistance to survey and measure the lands and the said process is yet to be completed and depending upon the same, the fourth respondent would take appropriate action for removal of encroachment.

7. The learned counsel appearing for the private respondents would submit that the petitioner, who is an Ex-councilor with an oblique motive, targeting the private respondents and therefore, the Writ Petition filed by him cannot be categorised as 'Public Interest Litigation' and hence, prays for dismissal of this Writ Petition with exemplary costs.

8. This Court heard the rival submissions and perused the materials placed before it.

9. 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 claim projected by the petitioner either in this Writ Petition or in his representations, directs the third respondent to act on the communication of the fourth respondent dated 11.12.2017 in Na.Ka.No.105/2017 and with the help of the jurisdictional Surveyor to complete the survey of Survey Nos.49, 50, 50/4,51 at Muni Iyaa Kovil Street, Pudukudi, Thondi, Ramanathapuram District, within a period of eight weeks from the date of receipt of a copy of this



order and communicate the decision taken, to the fourth respondent and depending upon the result of the said Report, the fourth respondent after putting the encroachers including the private respondents 5 to 23 on notice, shall take further action on merits and in accordance with law, within a further period of twelve weeks thereafter and communicate the decision taken, to the petitioner, private respondents 5 to 23 as well as other encroachers.

10. The Writ Petition stands disposed of accordingly. No costs.

11. The Registry is directed to mark a copy of this order to the Taluk Surveyor, Thiruvadanai Taluk, Ramanathapuram District.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Revenue Divisional Officer,
Revenue Divisional Office, Ramanathapuram,
Ramanathapuram District.
3. The Tahsildar,
Thiruvadanai Taluk, Thiruvadanai,
Ramanathapuram District.
4. The Executive Officer,
Thondi Panchayat Board Office,
Thondi, Thiruvadanai Taluk, Ramanathapuram District.
5. The Taluk Surveyor,
Thiruvadanai Taluk,
Ramanathapuram District.

- + 1 cc TO Mr.S.Muthu kumar , Advocate in SR No. 41235
- + 1 cc TO Mr.G.Ganeshkumar , Advocate in SR No. 40917
- + 1 cc TO Mr.R.J.Karthick , Advocate in SR No. 41104
- + 1 cc TO Mr.R.Anandharaj , Advocate in SR No. 40875
- + 1 cc TO The Special Government Pleader in SR No. 41492

pm

AE/JC/SAR2/25.01.2018/4P/11C