



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD].No.20190 of 2013

P.Palanikumar

: Petitioner

vs.

1.The District Collector,
Dindigul District @ Dindigul.

2.The Block Development Officer (Village Panchayats),
Aathur Panchayat Union @ Sempatti,
Dindigul District.

3.The President,
Veerakkal Village Panchayat,
Aathur Taluk, Dindigul District.

4.K.P.S.Palanichamy

5.Vaiyapuri

6.Anandan

7.Chellammal

8.Govindan

9.Pappu

: 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 3 to take appropriate action to remove the encroachment put up by the respondents 4 to 9 at the common pathway from Pillaiyar Kovil, leading to the petitioner's residence at V.Koothampatti Village, Veerakkal Post, Dindigul District based on the order passed by the second respondent in her proceedings in Na.Ka.No.2875/13/B2 Dated 07.08.2013.

For Petitioner

: M/s.Radhi Sathish

For R1 & R2

: Mr.D.Muruganandam

Additional Government Pleader

For R3

: No appearance

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM,J.]

Heard M/s.Radhi Sathish, learned counsel appearing for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader appearing for the respondents 1 & 2.

2.The petitioner is before this Court with the grievance that in spite of the direction issued by the Block Development Officer, Aathur Panchayat Union to the third respondent to inspect the area in question and remove the encroachment vide his proceedings, dated 07.08.2013, the third respondent has not taken any action.

3.Prima facie, we are of the view that the third respondent is colluding with the alleged encroachers, who are the private respondents. As of now, the Panchayat Union Council has been dissolved and therefore, the second respondent is the Executive Officer of the Panchayat and he can take action in accordance with law.

4.In the light of the above, we direct the second respondent to personally inspect the property and if any encroachment is found, action to be initiated after notice to them.

5.With the above direction, the writ petition stands disposed of. No costs.

6.The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

Sd/
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District @ Dindigul.

2.The Block Development Officer (Village Panchayats),
Aathur Panchayat Union @ Sempatti,
Dindigul District.

+1cc to M/s.Special Government Pleader,SR.No. 55651

+1cc to Mr.N.SATHISH BABU, Advocate, SR.No. 55332

WP(MD)No.20190 of 2013
14.03.2018

AM