

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.30225 of 2018

K.Devaraj

.. Petitioner

Vs.

1. The District Collector,
District Collectorate,
Tirupur District, Tirupur.

2. The Tahsildar,
Taluk Office, Palladam Taluk,
Palladam, Tirupur District.

3. The Executive Officer,
Kodangipalayam Panchayat,
Kodangipalayam Village,
Palladam Taluk,
Tirupur District - 641 662.

4. S.Lakshmanan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents 1 to 3 to remove the encroachment of unauthorized building constructed by the 4th respondent by encroaching the common passage in Survey No.304/6 at Kodangipalayam Panchayat, Kodangipalayam Village, Palladam Taluk, Tirupur District - 641 662 and also the unauthorized construction in the public road abetting the way to the above said common passage from the main road.

For Petitioner : Mr.B.Ramaratnam

For Respondents : Mr.S.Kamalesh Kannan,
Government Advocate (R1 & R2)

For 3rd Respondent: Mr.D.Venkatachalam

For 4th Respondent: Mr.K.Goviganesan

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus to direct the respondents 1 to 3 to remove the encroachment of unauthorized building constructed by the 4th respondent by encroaching the common passage in Survey No.304/6 at Kodangipalayam Panchayat, Kodangipalayam Village, Palladam Taluk, Tirupur District and also the unauthorized construction in the public road abetting the way to the above said common passage from the main road.

2.It is the contention of the petitioner that the 4th respondent had encroached the common passage and also put up unauthorized construction in the public road.

3.The 3rd respondent, viz., the Executive Officer, Kodangipalayam Panchayat filed his counter wherein he has been specifically stated that the allegations made by the petitioner that there is an encroachment in the common passage is false and there is no such encroachment in the common passage. Further, it has been stated that the 2nd respondent viz., the Tahsildar had surveyed the land and found that there is no encroachment in the common passage as alleged by the petitioner.

4.When the authorities have specifically stated that there is no encroachment made by the 4th respondent as alleged by the petitioner, the Writ Petition cannot be entertained. Accordingly, the Writ Petition is dismissed. No costs.

va

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
District Collectorate,
Tirupur District, Tirupur.

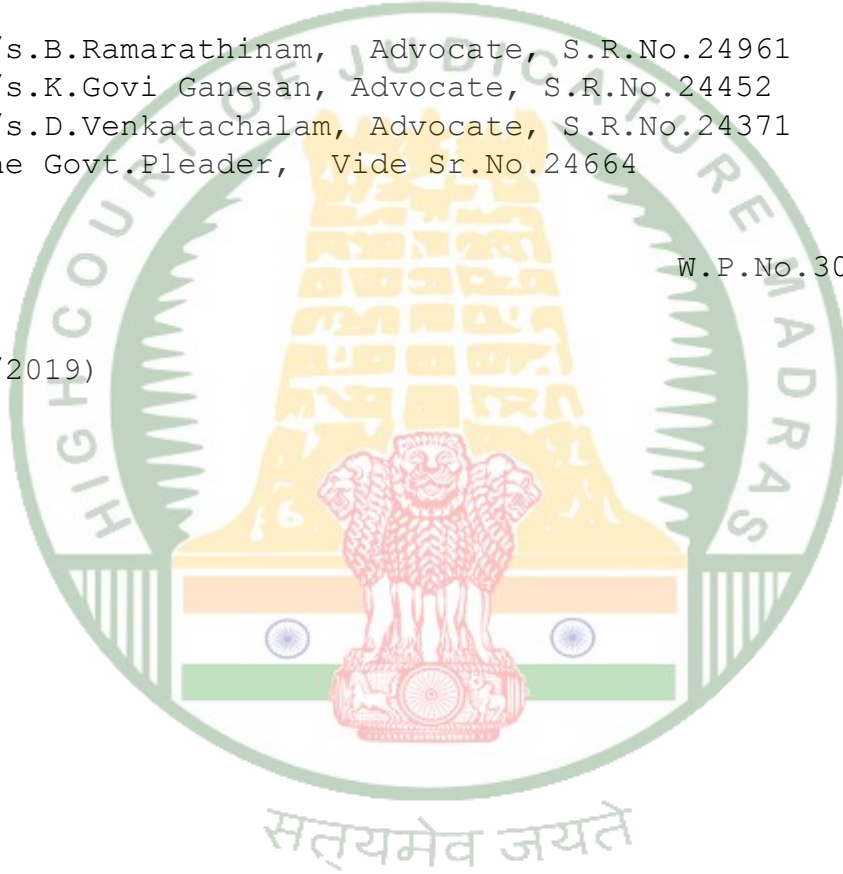
2.The Tahsildar,
Taluk Office, Palladam Taluk,
Palladam, Tirupur District.

3.The Executive Officer,
Kodangipalayam Panchayat,
Kodangipalayam Village,
Palladam Taluk,
Tirupur District - 641 662.

+1cc to M/s.B.Ramarathinam, Advocate, S.R.No.24961
+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.24452
+1cc to M/s.D.Venkatachalam, Advocate, S.R.No.24371
+1cc to the Govt.Pleader, Vide Sr.No.24664

W.P.No.30225 of 2018

Rgn (CO)
Kak(03/04/2019)



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