



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **29.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)NO.10218 of 2019

P.Mahalingam

:Petitioner

.vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tenkasi Taluk, Tirunelveli District.

3.The Executive Officer,
Sundarapandiyapuram Town Panchayat,
Tenkasi Taluk, Tirunelveli District.

4.P.Muppidathi

5.E.Muthaiah

6.D.Govindha Thevar,

7.P.Ramaiah

8.P.Velupandithar

9.S.Paramasivam

10.M.Balagan

11.M.Mariappan

12.V.Raja Gopalan

13.R.Mariappan

14.M.Gomupandithar

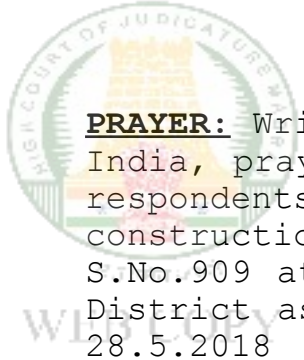
15.M.Subbaiah

16.M.Cellappa

<https://hcservices.ecourts.gov.in/hcservices/>

17.M.Mariammal

: Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment and unauthorized constructions put up near the Primary Health Centre situated in S.No.909 at Sundarapandiyapuram Village, Tenkasi Taluk, Tirunelveli District as per the eviction order of the second respondent, dated 28.5.2018 and to consider the Petitioner's representation, dated 26.7.2018 and to take necessary action.

For Petitioner	: Mr.M.Prabu
For Respondents	: Mr.Aayiram K.Selvakumar
1 and 2	Addl. Govt.Pleader
For Respondent-3	: Mr.M.Rajarajan
	Government Advocate
For Respondents	: Notice dispensed with
4 to 17	

O R D E R

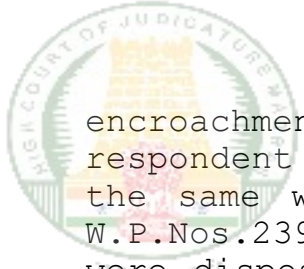
[Order of the Court was made by **K.KALYANASUNDARAM., J.**]

Heard Mr.M.Prabu, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.M.Rajarajan, learned Government Advocate takes notice for the third respondent and perused the materials placed before this Court. Considering the nature of the prayer, notice to the respondents 4 to 17 has been dispensed with.

2.The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment and unauthorized constructions put up near the Primary Health Centre situated made in S.No.909 at Sundarapandiyapuram Village, Tenkasi Taluk, Tirunelveli District as per the eviction order of the second respondent, dated 28.5.2018 and to consider the Petitioner's representation, dated 26.7.2018.

3.The Petitioner would state that the entire land in S.No.909 belongs to the Government and a Primary Health Centre was constructed therein. However, few years ago, the fourth respondent, who is a resident of the same village obtained permission from the third respondent for running a petty shop and thereafter, he had encroached a larger extent and constructed a building, without any approval.

4.It is further alleged that the fourth respondent has also leased out the building to third parties. Thereafter, the respondents 4 to 17 have also put up unauthorized constructions, thereby blocking the way to the Primary Health Centre. Hence representations were made to the respondents 1 to 3 through registered post to remove the encroachment in S.No.909. The Petitioner has also filed W.P.No.15253 of 2017 to clear the



encroachment in question. Based on the said order, the third respondent issued eviction notice to the respondents 4 to 17 and the same was challenged by them in a batch of Writ Petitions in W.P.Nos.23949 to 23963 of 2017. Though the batch of Writ Petitions were disposed of on 2.3.2018 with a direction to the Tahsildar to conduct a local inspection and after ascertaining the facts, to issue notice to the encroachers, but subsequently no action was taken and hence the Petitioner gave a representation on 26.7.2018. Even then, there was no action. Hence the present Writ Petition.

5.The learned counsel for the Petitioner submitted that even though the Petitioner has established that the encroachment was made by all the private respondents in the Government Poramboke land and even after directions issued in the earlier Writ Petitions, the official respondents have not taken any action.

6.The learned Additional Government Pleader appearing for the respondents 1 and 2 would state that the second respondent had already issued notice to the encroachers and is taking further action to remove the encroachment.

7.It is to be noted that this Writ Petition has been filed based on the orders passed in the earlier Writ Petitions in W.P.No.15253 of 2017 and W.P.Nos.23949 to 23963 of 2017. Even though it is stated that the second respondent has already issued notice to the encroachers, the encroachment has not been removed for the past one year.

8.In the light of the above facts, the second respondent is directed to take follow up action and remove the encroachments made by the respondents 4 to 17 in S.No.909, situated at Sundarapandiyapuram Village, Tenkasi Taluk, Tirunelveli District, within a period of three months from the date of receipt of a copy of this order, in accordance with law.

9.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

vsn

To

1.The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
 Tirunelveli District,
 Tirunelveli.



2.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.

3.The Executive Officer,
Sundarapandiyapuram Town Panchayat,
Tenkasi Taluk,
Tirunelveli District.

+1 CC to M/s.M.PRABU, Advocate (SR-63930[F] dated 29/04/2019)

+1 CC to M/s.SPL GP (SR-64980[F] dated 02/05/2019)

ORDER MADE IN
W.P(MD)NO.10218 of 2019
29.04.2019

ES/09.05.2019/4P/6C