



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.4801 of 2019

K.S.Padian @ Kuppusamy

... Petitioner

-vs-

1.The District Collector,  
Theni District, Theni.

2.The Tahsildar,  
Andipatti Taluk,  
Theni District.

3.The Block Development Officer,  
Block Development Office,  
Andipatti Taluk,  
Theni District.

4.Lakshmana Nayakkar

5.Thangavelthai

6.Thevarkannu

7.Rajendran

8.Kamaraj

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3<sup>rd</sup> respondent to execute the order in Na.Ka.No.4779/2018/A3 dated 18.07.2018 passed by the 2<sup>nd</sup> respondent and to direct the respondents 1 to 3 to remove the encroachment of the respondents 4 to 8 made in the street in Survey No.319/27 situated in Manjinayakanpatti, Rajanthani Post, Andipatti Taluk, Theni District.

For Petitioner : Mr.V.Santhakumaresan

For Respondents : Mr.A.K.Baskarapandian, Spl.G.P. for RR1  
&2

Mr.A.Thiyagarajan, G.A. For R3

**O R D E R**

**[Order of the Court was made by S.S.SUNDAR, J.]**

The writ petition is filed for issuing a positive direction to direct the respondents 1 to 3 to remove the encroachments that was made by the respondents 4 to 8 in street in S.No.319/27 situated in Manjinayakanpatti, Rajanthani Post, Andipatti Taluk, Theni District. It is the grievance of the petitioner that the respondents 4 to 8 have encroached the street and that this fact also has been



confirmed by the Tahsildar when the property was surveyed by the revenue department.

2.Considering the grievance of the petitioner, this Court is of the view that the fact whether the respondents 4 to 8 are in encroachment has to be identified by the third respondent with reference to the revenue records maintained by the local body.

3.In view of the same, though the petitioner has made representation before the District Collector and Tahsildar, the third respondent, who is the competent authority to take action has not been approached by the petitioner.

4.In such circumstances, this writ petition is disposed of with a direction to the petitioner to approach the third respondent by submitting a representation and on such representation is being made by the petitioner, the third respondent shall take appropriate action after holding proper enquiry. This exercise shall be undertaken by the third respondent within a period of 12 weeks from the date of receipt of the representation from the petitioner,.

5.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,  
Theni District, Theni.

2.The Tahsildar,  
Andipatti Taluk,  
Theni District.

3.The Block Development Officer,  
Block Development Office,  
Andipatti Taluk,  
Theni District.

+1cc to Mr.V.Santhakumaresan Advocate, SR.No. 51008

+1cc to M/s.Special Government Pleader, SR.No. 51532

**W.P. (MD) No.4801 of 2019**

**04.03.2019**