



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.5331 of 2019

I.Bhuvaneshwari

... Petitioner

Vs.

1. The Executive Officer,
Ponnampatti Town Panchayat,
Marungapuri Taluk,
Trichy District.
2. The Executive Engineer,
Highways Department,
Manapparai,
Trichy District.
3. The Assistant Engineer,
Operation and Maintenance (South),
TANGEDCO,
Thuvarankurichi,
Trichy District.
4. Ayyappan
5. Subbaih
6. Vellaisamy

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to take appropriate steps to remove the encroachments made by the respondents 4 to 6 in Survey No.296/1 in Thuvarankurichi Revenue Village abutting to the Thuvarankurichi Manapparai Highways and in the surplus water channel.

For Petitioner	:	Mr.M.Karthikeya Venkitachalapathy
For R1	:	Mr.A.K.Baskara Pandian Special Government Pleader
For R2	:	Mr.Aayiram K.Selvakumar Additional Government Pleader
For R4 to R6	:	Mr.E.Suthakaran

**O R D E R**

(Order of the Court was made by **K. KALYANASUNDARAM, J.**)

Heard Mr.M.Karthikeya Venkitachalapathy, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the first respondent, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader for the second respondent and Mr.E.Suthakaran, learned counsel for the respondents 4 to 6.

2. This writ petition has been filed seeking issuance of writ of Mandamus directing the respondents 1 to 3 to take appropriate steps to remove the encroachment made by the respondents 4 to 6 in Survey No.296/1 in Thuvarankurichi Revenue Village.

3. According to the petitioner, she is the absolute owner of the land having an extent of 0.22.26 hectares in Survey No.296/2A1A5, by virtue of a registered sale deed dated 07.09.2016. The grievance of the petitioner is that the private respondents have encroached upon the water channel and also put up unauthorised constructions. The complaint given to the respondents dated 02.01.2017 was not acted upon.

4. The learned Additional Government Pleader for the second respondent would state that based on the representation of the petitioner, a report from the concerned Tahsildar is called for and after receiving the report, appropriate action would be taken.

5. The learned counsel for the private respondents would submit that they have been in possession of the land for more than 30 years and the property belongs to Marungapuri Jamin. It is further stated that the writ petitioner has also encroached upon the property of the Jamin and now he has purchased the property, after entering into a compromise in a civil suit. According to the learned counsel, the writ petitioner has also put up construction by encroaching the property and after purchasing the property, this writ petition has been filed, but there is no encroachment in a water channel as alleged by the petitioner.

6. However, considering the limited scope of the prayer sought for in the writ petition and the submissions of the learned counsels, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 02.01.2019 and take appropriate action on merits and in accordance with law, after providing opportunity to all the necessary parties.



7. With the above direction, the writ petition is disposed of.
No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Writs)

Sub Assistant Registrar(CS)

To

1. The Executive Officer,
Ponnampatti Town Panchayat,
Marungapuri Taluk,
Trichy District.
2. The Executive Engineer,
Highways Department,
Manapparai,
Trichy District.
3. The Assistant Engineer,
Operation and Maintenance (South),
TANGEDCO,
Thuvarankurichi,
Trichy District.

1 CC to Mr.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-57586[F]
dated 28/03/2019)

+1 CC to Mr.I.SUTHAKARAN, Advocate (SR-57613[F] dated
29/03/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-57756[F] dated 29/03/2019
)

W.P. (MD) .No.5331 of 2019
28.03.2019

akv

AE/ (16.05.2019) 3P 7C