



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 31.07.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 16927 OF 2019

Sivakumar

... Petitioner

- Vs -

1. The Tahsildar
Karambakudi Taluk
@ Taluk Office Karambakudi Taluk
Pudukottai District.
2. The Revenue Divisional Officer
RDO's Office, Pudukottai District.
3. The District Collector
Pudukottai
@ District Collector's Office
Pudukottai.
4. M.Palanivel
5. M.Rengasamy
6. M.Jeyapal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents 1 to 3 to remove the illegal encroachments and structures put up by the respondents 4 to 6 in the Government Poramboke Lands located in S. No.32/4 to 32/7 and S. No.32/11 of Karmbaviduthi Revenue Village, Karambakudi Taluk, Pudukottai District, within a time frame to be fixed by this Hon'ble Court.

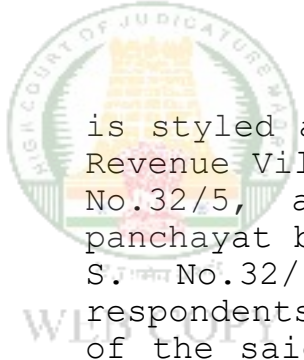
For Petitioner : Mr. S.Ramesh @ Ramiah

For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.
For RR-1 to 3

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

The petitioner claims to be a public interest litigant and as per his instructions, learned counsel for the petitioner submits that the petitioner is not an encroacher upon any public land. The grievance expressed by the petitioner in this writ petition, which



is styled as a public interest litigation is that in Karambaviduthi Revenue Village, there exists, in S. No.32/4 a community well; in S. No.32/5, a nutritious meal scheme premises; in S. No.32/6, a panchayat building; in S. No.32/7, a panchayat elementary school and S. No.32/11 is classified as temple land and the private respondents, viz., respondents 4 to 6 had encroached upon a portion of the said lands in the form of illegal encroachments and started putting up thatched structure and the representation dated 4.4.19, submitted to respondents 1 to 3 failed to evoke any kind of respondent despite receipt and acknowledgement and, therefore, he is constrained to approach this Court by filing this petition.

2. Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice for respondents 1 to 3.

3. Heard the learned counsel appearing for the petitioner and perused the materials available in the typed set of documents.

4. Though the petitioner prays for the larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation or in this writ petition, directs the Tahsildar, viz., the 1st respondent, to put the petitioner as well as respondents 4 to 6 on notice and, thereafter, cause inspection of the lands in S. Nos.32/4 to 32/7 and 32/11 at Karambaviduthi Revenue Village, Karambaikudi Taluk, Pudukottai District, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the said inspection, the 1st respondent shall take appropriate action in accordance with law as to the removal of the alleged encroachment by also adhering to the principles of natural justice and such exercise shall be carried out within a further period of eight weeks thereafter and the 1st respondent shall communicate the decision taken to the petitioner as well as to the private respondents.

5. This writ petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Tahsildar
Karambakudi Taluk
@ Taluk Office Karambakudi Taluk
Pudukottai District.



2. The Revenue Divisional Officer
RDO's Office, Pudukottai District.

3. The District Collector
Pudukottai
@ District Collector's Office
Pudukottai.

+1 CC to Mr.S.RAMESH ALIAS RAMIAH, Advocate (SR-78768[F] dated 31/07/2019)

+1 CC to SPL GP (SR-79237[F] dated 01/08/2019)

W.P. (MD) NO.16927 OF 2019
31.07.2019

GLN

MK (14.08.2019) 3P 6C