



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 29.08.2019

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 18666 OF 2019

AND

W.M.P. (MD) NO. 15041 OF 2019

Salamon Rajaponnaiah

.. Petitioner

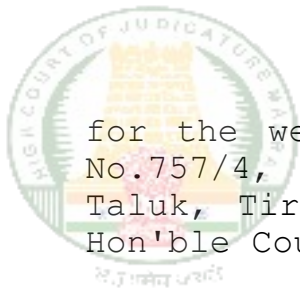
- Vs -

1. The Secretary
Rural Development Department
Government of Tamil Nadu
Fort St. George, Chennai - 9.
2. The District Collector
Tirunelveli, Tirunelveli District.
3. The Sub Collector
Cheranmahadevi, Tirunelveli Dt.
4. The Revenue Divisional Officer
Ambasamuthram
Tirunelveli District.
5. The Tahsildar
Ambasamuthram
Tirunelveli District.
6. The Block Development Officer
Kadayam, Tirunelveli District.
7. P.Selvaraj

.. 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 6 to remove the encroachment made by the 7th respondent in Plot No.38, comprised in Survey No.757/4, Pulavanur Village, Keelakadayam Panchayat, Ambasamuthram Taluk, Tirunelveli District and consequently direct respondents 1 to 6 to restore the drinking water borewell and sintex tank made by the 6th respondent

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for the welfare of the public in Plot No.38, comprised in Survey No.757/4, Pulavanur Village, Keelakadayam Panchayat, Ambasamuthram Taluk, Tirunelveli District, within a time frame as fixed by this Hon'ble Court.

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For Petitioner : Mr. S.Alagusundar

For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.
For RR-1 to 5

Mr. Aaiyram K.Selvakumar for R-6

ORDER

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

The petitioner claims to be a public interest litigant and came forward to file this petition, styled as a public interest litigation, alleging that his mother, viz., Tmt. Kalavathi, W/o Thangadurai was assigned Plot No.19 in Block No.757/4 of Keelakadai Panchayat, Pulavanur Village, Ambasamuthram Taluk, Tirunelveli District and it is his specific case that Plot No.38 is meant for common/public use. It is alleged by the petitioner that the 7th respondent has encroached upon the said vacant space and put up an unauthorised superstructure and in that process, also damaged the sintex water tank, which is meant for public use and when it was questioned by one Muthulatha, she was also attacked and she has lodged a complaint on the file of Kadayam Police Station. The petitioner, against the said illegal act on the part of the 7th respondent, also submitted a representation dated 18.6.19 to the respondents and despite receipt and acknowledgement, no action has been taken and, hence, came forward to file this petition.

2. Heard the submissions of the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice for respondents 1 to 5 and Mr.Aaiyram K.Selvakumar, learned counsel appearing for the 6th respondent.

3. This Court, taking into consideration 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 6th respondent to cause inspection of Plot No.38 in Survey No.757/4 of Keelakadai Panchayat, Pulavanur Village, Ambasamuthram Taluk, Tirunelveli District, after putting the petitioner as well as the 7th respondent on notice and depending upon the result of the inspection, shall take appropriate action in accordance with law with regard to the encroachment and communicate the decision taken to the petitioner as well as to the 7th respondent. The 6th respondent shall complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order.

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4. This writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS)

To

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Kadayam, Tirunelveli District.

+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-84273[F] dated 29/08/2019)

W.P. (MD) NO. 18666 OF 2019
29.08.2019

GLN

JMN(13.09.2019) 3P : 8C