



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.20982 of 2019

V.Iyyanar

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Tahsildar,
Thiruparangundram Taluk,
Madurai District.

3.The Block Development Officer,
Thirupparangundram Panchayat Union,
Madurai District.

.. Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the encroachments in S.F.No.3,4/34, 5,6 and 7 classified as "Government Road" situated in Othai Alangulam Village (Othai Alangulam to Kompadi Road), Thirupparangundram Taluk and Panchayat Union, Madurai District at once.

For Petitioner : Mr.M.Laxmi Mahendraa

For R1 and R2 : Mr.S.Angappan
Government Advocate

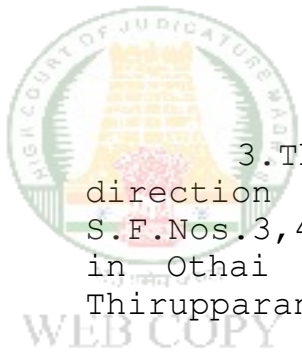
For R3 : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Laxmi Mahendraa, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the first and the second respondents and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the third respondent.

2.By consent on either side, this writ petition is taken up for disposal



3.The petitioner by way of this writ petition seeks for a direction upon the respondents to remove the encroachment in S.F.Nos.3,4/34, 5,6 and 7 classified as "Government Road" situated in Othai Alangulam Village (Othai Alangulam to Kompadi Road), Thirupparangundram Taluk and Panchayat Union, Madurai District.

4.The petitioner has not impleaded all the encroachers as respondents in the writ petition. Therefore, we cannot issue any positive direction.

5.The learned Government Advocate appearing for the first and the second respondents submitted that earlier one S.Kuruvan, had approached this Court challenging a notice issued by the third respondent dated 16.08.2019 calling upon him to remove the encroachment and the said writ petition was disposed of by order, dated 22.08.2019 by directing the said S.Kuruvan to treat the notice as a show cause and give objection and consequential directions were also issued to the third respondent. The fact that there is an encroachment in the road has not been denied by the respondent. If such is the case, then the respondent has to take a comprehensive action. It is not necessary for the third respondent to wait for this Court issue a direction.

6.From the photographs filed in the typed set of papers, we find that a pacca construction has been made and road has been formed with paver blocks. Thus, the authorities are appeared to be a silent spectator to all those illegal constructions. Therefore, the authority should act in an unbiased manner.

7.In the light of the above, the writ petition stands dismissed by directing the respondents 2 and 3 to take appropriate action against all the encroachers, after issuing individual notice to all the encroachers giving them reasonable time to give objection or to remove the encroachment by decisions. In the event, objections are filed, an enquiry needs to be conducted and physical verification has to be made as to the extend of encroachment made and then proceeding should be initiated for eviction in accordance with the relevant statute. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Ns



To

1.The District Collector,
Madurai District.

2.The Tahsildar,
Thiruparangundram Taluk,
Madurai District.

3.The Block Development Officer,
Thirupparangundram Panchayat Union,
Madurai District.

+1CC TO MR.M.LAXMI MAHENDRAA, Advocate Sr. No. 91066

W.P. (MD) .No.20982 of 2019

30.09.2019

DKS (CO)

TR(23.10.2019) 3P 5C