



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.19521 of 2018
and W.M.P. (MD) No.17317 of 2018
and Cont. P. (MD) No.1632 of 2018

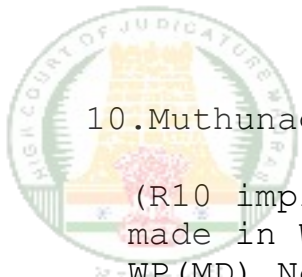
W.P. (MD) No.19521 of 2018:

R.Kumar

... Petitioner

-vs-

- 1.The District Collector,
Karur District,
Karur.
- 2.The Deputy Commissioner of Town & Country Planning,
Trichy,
Trichy District.
- 3.The Special Tahsildar,
For Backward Class and Minority Community,
Karur.
- 4.The Tashildar,
Manmangalam Taluk,
Karur District.
- 5.The Block Development Officer,
Aandankovil West Village,
Thanthondrimalai Union Office,
Karur District.
- 6.The Inspector of Police,
Karur Town Police Station,
Karur.
- 7.Tamilarasan
- 8.Pagalendhi
- 9.Manikandan



10.Muthunagaiselvi

... Respondents

(R10 impleaded vide order dated 31.07.2019,
made in WMP(MD) No.13358 of 2019 in
WP(MD) No.19521 of 2018 by KRCBJ and SKRJ)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 6 to take appropriate action against the respondents 7 to 9 for illegal construction on earmarked portion for the common purpose in the east and south side of Plot No.351 of S.F.No.159/27, situated at Maruthuvar Nagar, Andankovil West Village, Athur Taluk, Karur District, consequently, direct the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 9 in the east and south side of Plot No.351 of S.F.No.159/27, situated at Maruthuvar Nagar, Andankovil West Village, Athur Taluk, Karur District based upon the representation of the petitioner dated 27.08.2018.

For Petitioner : Mr.S.Mohankumar

For Respondents 1 to 6 : Mr.A.K.Baskarapandian
Special Government

Pleader

For Respondents 7 to 10 : Mr.I.Velpradeep

Cont.P. (MD) No.1632 of 2018:

R.Kumar ... Petitioner/Petitioner
-vs-

1.Mr.Anbalagan,
District Collector,
Karur District,
Karur.

2.Mr.R.Nageswaran,
Deputy Commissioner of Town & Country Planning,
Trichy,
Trichy District.

3.Mr.Balasundaram,
Special Tahsildar,
For Backward Class and Minority Community,
Karur.



4.Mr.Ravikumar,
Tashildar,
Manmangalam Taluk,
Karur District.

5.Mr.Thavamani,
Block Development Officer,
Aandankovil West Village,
Thanthondrimalai Union Office,
Karur District.

6.Mr.Prithiviraj,
Inspector of Police,
Karur Town Police Station,
Karur.

7.Tamilarasan

8.Pagalendhi

9.Manikandan

...Contemnors/ Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the contemnors/respondents for their wilful disobedience of the order passed by the Hon'ble Court dated 10.09.2018 in W.P.(MD) No.19521 of 2018.

Prayer in W.P.(MD) No.19521 of 2018

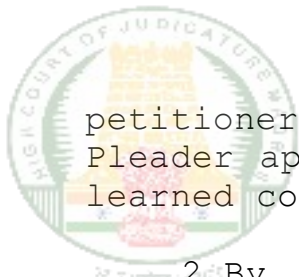
Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 6 to take appropriate action against the respondents 7 to 9 for illegal construction on earmarked portion for the common purpose in the east and south side of Plot No.351 of S.F.No.159/27, situated at Maruthuvar Nagar, Andankovil West Village, Athur Taluk, Karur District, consequently, direct the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 9 in the east and south side of Plot No.351 of S.F.No.159/27, situated at Maruthuvar Nagar, Andankovil West Village, Athur Taluk, Karur District based upon the representation of the petitioner dated 27.08.2018.

For Petitioner	:	Mr.G.Mohankumar
For Respondents 1 to 6	:	Mr.A.K.Baskarapandian
		Special Government Pleader
For Respondents 7 to 9	:	Mr.I.Velpradeep

COMMON ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.S.Gokulraj, learned counsel appearing for the



petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 6 and Mr.I.Velpradeep, learned counsel appearing for the respondents 7 to 10.

2.By consent on either side, the Writ Petition and the Contempt Petition are taken up together for final disposal.

3.The Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the Respondents 1 to 6 to take appropriate action against the respondents 7 to 9 for illegal construction on earmarked portion for the common purpose in the east and south side of Plot No.351 of S.F.No.159/27, situated at Maruthuvar Nagar, Andankovil West Village, Athur Taluk, Karur District, consequently, direct the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 9 in the east and south side of Plot No.351 of S.F.No.159/27, situated at Maruthuvar Nagar, Andankovil West Village, Athur Taluk, Karur District based upon the representation of the petitioner dated 27.08.2018.

4.When the Writ Petition was entertained, an interim order of injunction was granted on 10.09.2018 by assigning the following reasons:

"3.The learned Counsel appearing for the petitioner submitted that the lay out approval granted by the Deputy Commissioner, Town and Country Planning, Tiruchirappalli, the second respondent herein and the assignment order issued by the third respondent assigning the plot to the beneficiaries clearly indicates that S.F.No.159/27 lying on the eastern and southern side of the plot No.351 was earmarked for common purpose namely construction of library, pathway park, etc. But, without using it for common purpose, houses are being constructed. The photographs enclosed at pages 11 and 12 along with the approved layout enclosed at page 2 of the typed set of papers show that the land in S.F.No.159/27 on the eastern and southern side of Plot No.351 situated at Maruthuvar Nagar, Andankovil west village, Athur Taluk, Karur District, earmarked for common purpose is being utilised for individual purpose. Therefore, the respondents 7 to 9 are enjoined from putting up any more construction till further orders."

5.The interim order was violated and therefore, Contempt Petition (MD) No.1632 of 2018 was filed, in which, notice was ordered. after which, construction has been stopped. The



allegation of the petitioner is that the private respondents encroached into the common area and are putting up a construction. The 10th respondent would state that he is constructing in his patta land. However, this issue cannot be adjudicated by us in this Writ Petition. The 4th respondent Tahsildar, Manmangalam has filed a counter affidavit. In the counter affidavit, in paragraph 6 it is stated as follows:

"6.I submit that even though only respondents 7 to 9 are injuncted from putting further constructions in the lis property. The 3rd respondent being the Land Acquisition Officer and patta issuing authority made an enquiry with the petitioner herein and with respondents 7 to 9 herein. During the enquiry both parties have given written undertaking and statement that subsequent to the orders of this Hon'ble Court no further constructions will be made in the above said property. As directed by this Hon'ble Court, the construction work have been stopped and the 3rd respondent is taking steps to cancel the house site patta and to evict the encroachments made in the plot earmarked the common public purposes. It is submitted that this respondent will render all possible assistance in the process of identification and eviction of the encroachments in the lands acquired by the Special Tahsildar LA Backward Classes Welfare Karur District."

6.In the light of the above, since enquiry is proposed to be done by the Special Tahsildar Land Acquisition Backward Classes Welfare, Karur District, the third respondent, we direct the third respondent to issue notice to the 10th respondent and make a spot inspection and proceed in accordance with law. The 10th respondent or his nominee are not entitled to put up any construction and await the decision to be taken pursuant to the enquiry.

7.The Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs. In view of the order passed in the Writ Petition, the Contempt Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



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Karur District,
Karur.
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- 6.The Inspector of Police,
Karur Town Police Station,
Karur.

+2 CC to M/s.S.GOKULRAJ, Advocate (SR-86498,86499[F] dated 13/09/2019)

+1 CC to M/s.SPL GP (SR-86932,86932[F] dated 16/09/2019)

W.P. (MD) No.19521 of 2018
and W.M.P. (MD) No.17317 of 2018
and Cont. P. (MD) No.1632 of 2018
12.09.2019

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