



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7942 of 2020

P.Marimuthupandian

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Kayathar,
Thoothukudi District.

4.Shanmugaraj

5.Chellappa

6.Ganapathy

... Respondents No !1 To 6

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 herein to take legal steps to remove the alleged encroachment made by the respondents 4 to 6 in Survey No.341/2, North Ilanthaikulam Village, Kayathar Taluk, Thoothukudi District, according to law by considering the petitioner's representation, dated 08.05.2020 within a stipulated time.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader for R.1 to R.3
: Mr.Santhanamari for R.4 to R.6

ORDER

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

This writ petition styled as a Public Interest Litigation is filed by a resident of North Ilanthaikulam Village, Kayathar Taluk, Thoothukudi District and according to him, the private respondents are in illegal occupation of the public land by way of permanent structure in S.No.341/2, North Ilanthaikulam Village, Kayathar Taluk, Thoothukudi District and when the encroachment was sought to



be removed, there was a law and order problem which led to the conduct of a Peace Committee Meeting on 20.11.2019 and despite the same, no action has been taken to remove the encroachment caused by the private respondents and prays for appropriate orders.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that in the Peace Committee Meeting, the third respondent has instructed the jurisdictional Block Development Officer to take appropriate action to remove the said encroachment.

3. This Court has carefully considered the rival submissions and perused the materials placed on record.

4. The immediate official superior of the third respondent is the second respondent and above him, may be, the District Revenue Officer as well as the District Collector and therefore, it is for the said immediate official superiors to see that their subordinate officials perform their duty properly in accordance with law and also in line with the relevant administrative guidelines/instructions. While causing the removal of encroachment, any law and order problem, or public order problem is caused/created, it is for them to approach the concerned police officials to give them proper and sufficient protection to discharge their duties and responsibilities.

5. It is culled out from the submissions of the learned Special Government Pleader appearing for the respondents 1 to 3 that admittedly, there are encroachments and therefore, it is obligatory on the part of the first respondent to instruct the concerned officials to cause removal of encroachments and if they fail to discharge their lawful duties, it may be open to the first respondent or the immediate official superiors concerned to recommend for appropriate departmental action. The exercise of removal of encroachment in accordance with law, as far as possible, be completed within a period of eight weeks from the date of receipt of a copy of this order and the decision taken/orders passed in this regard, shall also be communicated to the petitioner as well as the private respondents and other persons concerned, if any.

6. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



RSB

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Kayathar,
Thoothukudi District.

+1 CC to M/s.Government Pleader (SR-14161[F] dated 17/08/2020)

W.P. (MD)No.7942 of 2020
14.08.2020

KB(25.08.2020) 3P 5C