



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8963 of 2020

M.Pitchai

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai East,
Y.Othakadai,
Madurai District.

3.The Tahsildar,
Madurai East,
Narasingam,
Madurai District.

4.The Block Development Officer (Village Panchayats),
Madurai East Panchayat Union,
Thallakulam,
Madurai District.

5.The Inspector of Police,
Othakadai Police Station,
Madurai District.

6.Pandi

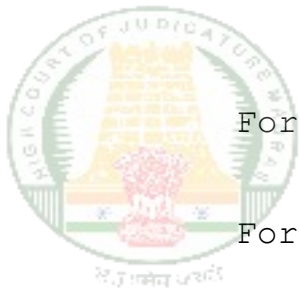
7.Malaichamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment of memorial stone laid by the respondents 6 and 7 in front of the petitioner's house encroaching the public street situated at S.No.129/1 in Ambedkar 2nd Street, Keela Kallandhiri, Kallandhiri Post, Madurai District within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner

: Mr.G.Thalaimutharasu



For Respondents 1 to 3 & 5 : Mr.VR.Shanmuganathan
Special Government Pleader

For 4th respondent : Mr.R.Murugan
Additional Government Pleader

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O R D E R

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

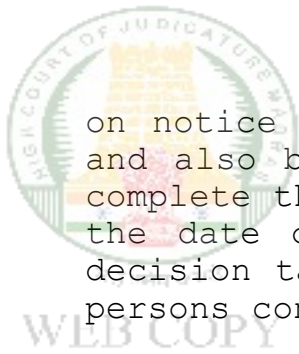
The grievance expressed by the petitioner, who is a resident of Ambedkar Street, Keela Kallandiri, Madurai District, is that in the said street right opposite to his house, the private respondents have erected a memorial and according to the petitioner, since the said road is a public road nobody can construct any memorial affecting their usage of the said road and since the act of the private respondents constitute an illegal encroachment he has submitted representations/complaints dated 15.06.2020, 19.06.2020 and 14.07.2020 to the official respondents and despite receipt of acknowledgments, no action has been taken and therefore, he is constrained to approach this Court by way of this Writ Petition.

2.Heard Mr.VR.Shanmuganathan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and 5 and Mr.R.Murugan, learned Additional Government Pleader, who accepts notice on behalf of the 4th respondent.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 and 5 has produced the proceedings of the third respondent dated 10.08.2020 in Na.Ka.No.1745/2020/Aa3 addressed to the Office of the Government Pleader and would submit that the inspection and verification of the relevant records would disclose that right in front of the petitioner's house a memorial has been constructed in S.No.281/16 of Kallandhiri Bit 1 Village, ad-measuring an extent of 0.01.91.0 Ares and the area of encroachment is 0.00.01 square metre and in the light of the said materials available in the Village records, necessary communication has been addressed to the fourth respondent for taking immediate and appropriate action and endeavour will be taken in a short span of time.

4.This Court considered the rival submissions and perused the materials produced before this Court.

5.The above cited communication of the third respondent dated 10.08.2020, to the Office of the Government Pleader is taken on record. In the light of the above facts and circumstances, the respondents 3 and 4 are directed to take immediate, necessary and appropriate action for removal of encroachment in the form of memorial in S.No.281/16 of Kallandhiri Bit 1 Village, after putting



on notice the encroachers, which may includes respondents 6 and 7, and also by adhering to the principles of natural justice and to complete the exercise of removal of encroachment within 8 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, respondents 6 and 7 and any other persons concerned, if any.

6.The Writ Petition stands disposed of accordingly. However, in the circumstances of the case, there shall be no orders as to the costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

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,
Madurai District,Madurai.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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W. P. (MD) No. 8963 of 2020

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AP (24/08/2020) 3P 6C

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