



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.10265 of 2020

WEB COPY

Jothi Lakshmi

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli District.

3. The Tahsildar, Manur Taluk Office,
Manur, Tirunelveli District.

4. The Special Officer/Commissioner
of Village Panchayat,
Manur Panchayat Union, Manur,
Tirunelveli District.

5. S.Muthu Pandian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the 5th respondent's offending construction put up in Natham poramboke land earmarked for street in Survey No.1306/14 and 1302/1 in Vanniconendal Village, Manur Taluk, Tirunelveli District.

For Petitioner

: Mr. P.Senthur Pandian

For Respondents

: Mr. M.Muthugeethaiyan,
Special Government Pleader
for [R1 to R4]

O R D E R

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

The writ petitioner is a resident of Vanniconendal Village, Manur Taluk, Tirunelveli District and she is a wife of Ex-service military man and according to her, there is a village panchayat road running East to West in Survey Nos.1306/13, 1306/14 and 1306/20, which leads to Survey No.1306/15. The land in Survey Nos.1306/13,14 and 15 are classified as Natham poramboke land and the land in Survey No.1306/13, is earmarked for pathway and Survey No.1320/1 is classified as Government poramboke land, earmarked as

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is a public well exists in Survey No.1306/15.



2. The grievance expressed by the writ petitioner is that the fifth respondent, who is located in Survey No.1320/1, had encroached upon the said public road in Natham Survey No.1320/1 and put up four unauthorised construction in the form of four shops and that apart, he has also blocked the access to the public well and in this regard, a representation dated 15.02.2020, has also submitted to the Collector, Tirunelveli District, who in turn, sent a communication dated 21.02.2020 vide O.Mu.A3/6606/2020, to the Sub-Collector, Tirunelveli, for taking appropriate action and despite the lack of nearly six months, nothing is moving forward and hence, the writ petitioner is constrained to approach this Court, by way of filing this writ petition.

3. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4.

4. This Court, taking into consideration the above facts and circumstances and without going into merits of the claim projected by the petitioner either in his representation dated 15.02.2020 or in this writ petition, directs the respondents 3 and 4, to cause joint inspection on the public street classified as Natham poramboke in Survey Nos.1306/13, 1320/1, 1306/14 as well as 1306/15, as to existence of any encroachment and if any encroachment is found, put the concerned persons including the fifth respondent, on notice and depending upon the result of the inspection, if any obstruction/encroachment is noted, shall take immediate and appropriate action in accordance with law within a stipulated time frame by adhering to the principles of natural justice, remove the encroachment as expeditiously as possible. The respondents 3 and 4 are directed to complete the entire exercise within a period of 8 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the fifth respondent and other persons/encroachers concerned, if any, and also to the jurisdictional Surveyor concerned.

5. The **writ petition stands disposed of** with the above directions. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli District.
3. The Tahsildar,
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4. The Special Officer/Commissioner
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Manur Panchayat Union,
Manur,
Tirunelveli District.

+1 CC to SGP (SR-15415[F] dated 31/08/2020)

+1 CC to Mr.P. SENTHUR PANDIAN, Advocate (SR-15461[F] dated 01/09/2020)

W.P. (MD)No.10265 of 2020
28.08.2020

KM (07.09.2020) 3P 7C