



WEB COPY

W.P(MD)No. 10712 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD)No. 10712 of 2020

S.Vairavanatham

... Petitioner

Vs.

- 1.The District Collector,
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,
Melur Taluk,
Madurai, Madurai District.
- 3.The Thasildhar,
Melur Thasildhar Office,
Madurai District.
- 4.The Block Development Officer,
Block Development Office,
Melur, Madurai District.
- 5.The President,
Uranganpatti Panchayat,
Melur Taluk, Madurai District.

6.Suganya

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents No.4 and 5 to remove encroachment made by the 6th respondent herein in public street in New S.No.732/53, Old S.No.161/10 to the extent of 0.06.31.0 square meter in Pulimalaipatti Village, Uranganpatti, Melur Taluk, Madurai District, based on the communication dated 19-03-2020 issued by the respondent No.4 and also considering the representation of the petitioner dated 02-03-2020.

For Petitioner : Mr.C.Gunasekaran

For Respondents : Mr.R.Murugan
Additional Govt. Pleader for R-4
Mr.M.Muthugeethaiyan
Special Government Pleader
for RR-1 to 3 & 5



ORDER

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

The petitioner is a resident of Pulimalaipatty Village, Uranganpatti, Melur, Madurai District. He came forward to file this writ petition as a Public Interest Litigation stating among other things that he is an agriculturist and as per the earlier classification, Old Sy.No.161/10 was shown as 'Grama Natham' and subsequently, New Sy.No.732/53 was shown as 'Village street' and in respect of 0.06.31.0 sq.m, some private persons caused encroachment preventing the ingress and egress of the said public street and the representation submitted as early as on 12.02.2020 in the Grievance Day as well as the reminder representation dated 02.03.2020 did not evoke any proper response.

2. The learned counsel appearing for the petitioner has also drawn the attention of this Court to the communication sent by the fourth respondent, dated 19.03.2020, wherein a request was made to the fifth respondent to take appropriate action. Despite that, nothing is moving forward. Hence, the petitioner has come forward with this writ petition.

3. Mr.R.Murugan, learned Additional Government Pleader, who accepts notice on behalf of the 4th respondent and Mr.M.Muthugeethaiyan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and 5, would submit that a joint inspection would be caused by the respondents 3 and 4 in respect of the land in question and depending upon the result of the inspection, appropriate action would be taken in accordance with law as expeditiously as possible.

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

5. Though the petitioner has come forward seeking a larger relief, this Court, considering the facts and circumstances projected by the writ petitioner either in the writ petition or in the representation, directs the respondents 3 and 4 to cause a joint inspection in respect of the land in New S.No.732/53, Old S.No.161/10 to the extent of 0.06.31.0 square meter in Pulimalaipatti Village, Uranganpatti, Melur Taluk, Madurai District, after putting on notice the concerned persons, if any, including the sixth respondent and depending upon the result of the inspection, shall take immediate and appropriate action in accordance with law and also by adhering to the principles of natural justice and pass appropriate orders within a period of ten (10) weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the persons concerned, if any, including the sixth respondent.



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

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar(CS)

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, Madurai District.

2.The Revenue Divisional Officer,
Melur Taluk, Madurai, Madurai District.

3.The Thasildhar,
Melur Thasildhar Office, Madurai District.

4.The Block Development Officer,
Block Development Office, Melur, Madurai District.

5.The President,
Uranganpatti Panchayat,
Melur Taluk, Madurai District.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate (SR-15730[F] dated 03/09/2020)

+1 CC to M/s.Special Govt.Pleader (SR-15841[F] dated 03/09/2020

W.P (MD) No. 10712 of 2020
02.09.2020

VS

SDS (11.09.2020) 3P-8C