



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.10393 of 2020

Pandi

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Melur, Madurai District.
- 3.The Block Development Officer,
(Village Panchayats),
Melur Panchayat Union,
Madurai District.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.
- 5.The Village Administrative Officer,
59, Narasingampatti Group,
Melur Taluk,
Madurai District.
- 6.The Panchayat President,
Narasingampatti Village Panchayat,
Melur Panchayat Union, Melur Taluk,
Madurai District.
- 7.Mr.Jayaraman

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent herein to take necessary steps to remove the encroachment in Survey No.602/5, Perumalpatti Village, Narasingam Village Panchayat, Melur Taluk, Madurai District within a stipulated time.



For Petitioner : Mr.M.Jothibas
For R1, R2, R4 & R5 : Mr.R.Murugan,
Additional Government Pleader

O R D E R

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

The petitioner is a resident of Perumalpatti Village, Narasingampatti Village Panchayat, Melur Taluk, Madurai District and according to him, he belongs to Scheduled Caste Community and under 'Indira Gandhi Awas Yojana Scheme', the Government had constructed a house in Survey No.602/16 and issued patta in the name of the petitioner's mother bearing patta No.364 and the superstructure put up therein was subjected to statutory levies and the petitioner claims to be in possession and enjoyment of the said property along with his family.

2. It is the specific case of the petitioner that the property in Survey No.602/5 is classified as pathway in the Natham Land Tax Scheme and the seventh respondent and his persons have constructed a thatched shed in the said survey number and thereby reduced the width of the public pathway and the repeated oral representations followed by a written representation, dated 22.05.2020, failed to invoke any kind of response and hence, he is constrained to approach this Court by filing this writ petition.

3. This Court heard the submissions of Mr.M.Jothibas, learned counsel appearing for the petitioner and Mr.R.Murugan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 2, 4 and 5.

4. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the case projected by the petitioner either in his representation or in this writ petition, directs the respondents 3 and 4 to cause inspection in the land in Survey No.602/5 situated at Perumalpatti Village, Narasingam Village Panchayat, Melur Taluk, Madurai District, in terms of the revenue records and if the result of the inspection shows that any encroachment or obstruction is caused, shall follow the due process of law by putting the persons concerned including the seventh respondent on notice and thereafter, shall take appropriate action in accordance with law and communicate the decision taken to the petitioner, the seventh respondent and any other persons concerned. The above said exercise is to be carry out within a period of ten weeks from the date of receipt of a copy of this order.



This writ petition stands disposed of accordingly. No Costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

pm

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,
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- 6.The Panchayat President,
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+1 CC to M/s.M. JOTHI BASU, Advocate (SR-15347[F] dated
31/08/2020)

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28.08.2020

AP(09/09/2020) 3P 8C

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