



WEB COPY

W.P.(MD) No.10801 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.10801 of 2020

(Through Video conferencing)

Sathick Ali

... Petitioner

-Vs-

1.The Secretary to Government

(Home Department)

Chief Minister Cell,

Fort St. George

Chennai - 600 009.

2.The District Collector

Collectorate

Ramanathapuram

Ramanathapuram District.

3.The Director

Municipalities and Panchayat

& (Tamil Nadu Drinking Water Board)

Kuralagam, Chennai - 600 108.

4.The Assistant Director

Panchayat Union Administration Office

Sivagangai, Sivagangai District.

5.The Tahsildar

Taluk Office

Thiruvadanai

Ramanathapuram District.

6.The Executive Officer

Thondi Panchayat Union Office

Thondi, Thiruvadanai Taluk

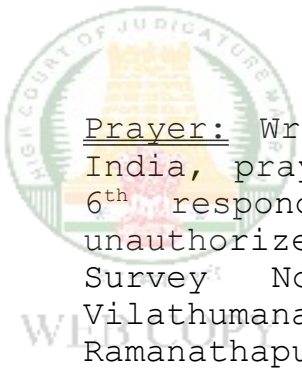
Ramanathapuram District.

7.Abdul Jaffar

8.Syed Ibrahim

9.Noorulla

... Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the 5th and 6th respondents herein to remove the illegal encroachment and unauthorized construction made by the respondents 7 to 9 herein in Survey No.125/4 having extent of 1 acre, situated in Vilathumanakottai Village, Thondi Post, Karaikudi Sub District, Ramanathapuram District based on the petitioner representation dated 18.08.2020 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Muthukumar
For Respondents : Mr.B.Bagavathi,
Govt. Advocate for R1 to R5
Mr.N.Jayaram Sidharth for R6

ORDER

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

The petitioner, who is a resident of Pallivasal East Street, Thondi, Thirvadanai Taluk, Ramanathapuram District, came forward to file this writ petition stating, among other things, that his father possessed a land admeasuring to an extent of 1 acre in S.No.125/4, situate at Vilathumanakottai Village, Thondi Post, Ramanathapuram District and by way of succession, his legal heirs are in joint possession and enjoyment of the same. It is the specific case of the petitioner that his mother as well as his brother viz., Amjath Ali had colluded with the 7th respondent and created a registered sale deed in his favour and taking advantage of the sale deed, respondents 7 to 9 are putting up unauthorised constructions on the landed property and the representation dated 18.08.2020 submitted, in this regard, has failed to invoke any kind of response and hence, came forward to file this Writ Petition.

2. Mr.B.Bagavathi, learned Government Advocate, accepts notice on behalf of respondent Nos.1 to 5 and Mr.N.Jeyaraman Sidharth, learned counsel accepts notice on behalf of respondent No.6.

3. The learned counsel appearing for the sixth respondent would submit that the sixth respondent had initiated proceedings by sending notice dated 21.08.2020, in Na.Ka.No.377/2020, to the seventh respondent as to the alleged unauthorised development in the form of construction and also warned him as to the further action will be taken in terms of the provisions of the Tamil Nadu District Municipalities Act, 1920.

4. The said communication of 6th respondent dated 21.08.2020 is taken on file and record.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim



projected by the petitioner, either in his representation or in this writ petition, directs the first respondent to proceed further in terms of the notice of the sixth respondent dated 21.08.2020, addressed to the 7th respondent, in accordance with law and also by adhering to the principles of natural justice and complete the said exercise within a period of eight (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 private respondents 7 to 9.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

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 Secretary to Government
(Home Department)
Chief Minister Cell,
Fort St. George
Chennai - 600 009.

2.The District Collector
Collectorate
Ramanathapuram
Ramanathapuram District.

3.The Director
Municipalities and Panchayat
& (Tamil Nadu Drinking Water Board)
Kuralagam, Chennai - 600 108.

4.The Assistant Director
Panchayat Union Administration Office
Sivagangai, Sivagangai District.



5.The Tahsildar
Taluk Office
Thiruvadanai
Ramanathapuram District.

6.The Executive Officer
Thondi Panchayat Union Office
Thondi, Thiruvadanai Taluk
Ramanathapuram District.

+1 CC to SPL GP (SR-18403[F] dated 29/09/2020)

Order made in
W.P. (MD) No.10801 of 2020
28.09.2020

VB (09.10.2020) 4P 8C