



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10812 of 2020

WEB COPY

Prabakaran

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Theni District.

2.The Tahsildar,
Aundipatti Taluk Office,
Aundipatti,
Theni District.

3.The Block Development Officer (Village Panchayat),
Mayiladumparai Panchayat Union,
Theni District.

4.The President,
Kandamanur Village Panchyat,
Aundipatti Taluk, Theni District.

5.Karuppaiah

6.Ganesan

7.Chinnathambi @ Kottai

... 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 4 herein to remove the encroachments made by the Respondents No.5 to 7 in the Public Street comprised in Survey No.312/34 situated at Vallalnadhi Village, Kandamanur Panchayat, Aundipatti Taluk, Theni District on the basis of the Petitioner's Representation dated 25.07.2020 within the time stipulated by this Court.

For Petitioner

: Mr.J.Lawrance

For Respondents 1 to 3

: Mr.M.Muthugeethaiyan

Special Government Pleader

O R D E R

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

The Petitioner is the resident of Vallalnadhi Village, Kandamanur Panchayat, Aundipatti Taluk, Theni District and

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according to him, on the southern side of his house, there exists a public street having the width of 20 feet in S.No.312/34 and as per the Natham Land Tax Scheme, it is classified as Natham Street and the private respondents encroached upon the public street and started putting up a permanent structure and in this regard, a legal notice dated 03.07.2020 has been caused to the official respondents as well as to the private respondents and also submitted a representation dated 25.07.2020 to the official respondents and despite receipt and acknowledgment, no step has been by them and therefore, the petitioner is constrained approach this Court with this Writ Petition.

2.Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2. In view of the order going to be passed in this Writ Petition, protecting the interest of the private respondents also, notice to the private respondents is dispensed with.

3.This Court, on the above facts and circumstances of the case, without going into merits of the claim made by the petitioner either in the legal notice sent on his behalf or in his representation as well as in the affidavit filed in support of the Writ Petition, directs the third respondent to cause inspection of the public street in S.No.312/34, Vallalnadhi Village, after putting on notice to the petitioner as well as respondents 5 and 6 and depending upon the result of the outcome of the inspection, take action in accordance with law and also by adhering to the principles of nature justice and complete the said exercise within 10 (Ten) weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, respondents 5 and 6 as well as to any other person concerned.

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

Sd/-

Assistant Registrar (CS-III)

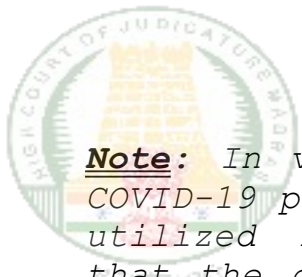
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/ /2020

Sub Assistant Registrar (CS)

sj

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Office of the District Collector,
Theni District.
- 2.The Tahsildar,
Aundipatti Taluk Office,
Aundipatti,
Theni District.
- 3.The Block Development Officer (Village Panchayat),
Mayiladumparai Panchayat Union,
Theni District.

+1 CC to Mr.J. LAWRENCE, Advocate (SR-16069[F]
dated 07/09/2020)

+1 CC to SGP (SR-16205[F] dated 08/09/2020)

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