



WEB COPY

W.P.(MD) Nos.9168 of 2015 & 7006 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM:

(*) THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD) Nos.9168 of 2015 & 7006 of 2020

and

WMP (MD) No.6430 of 2020

P.Mukkamal

:Petitioner in both WPs

Vs

1.The District Collector,
Collectorate,
Madurai,
Madurai District.

2.The Tahsildar,
Melur Taluk,
Madurai District.

3.The Block Development Officer,
O/o The Block Development Officer,
Melur Panchayat Union,
Melur Taluk,
Madurai District.

:Respondents in both WPs

4.M.Murugeswari,
The Panchayat President,
Vellaripatti Panchayat,
Melur Taluk,
Madurai District.

:4th Respondent in WP(MD) No.9168 of 2015

4.The Special Officer to the Panchayat Union Council,
Melur Panchayat Union,
Melur Taluk, Madurai District.

:4th Respondent in WP(MD)
No.7006 of 2020

PRAYER in WP(MD)No.9168 of 2015:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments made by the respondent No.4 in the petitioner's patta land in Survey No.734/24, Door No.2/108, Vellaripatti Village, Melur Taluk, Madurai District, within the time stipulated by this Court.

PRAYER in WP(MD)No.7006 of 2020:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 & 4 to provide water supply connection to the petitioner's house in patta land in Survey No.734/24, Door No.2/108, Vellaripatti village, Melur Taluk, Madurai District,

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within the time stipulated by this Court.

For Petitioners
(in both WPs)

: Mr.T.Lajapathi Roy

For R1 to R3
(in both WPs)

: Mr.M.Rajarajan
Additional Government Pleader

For R4

(in WP(MD)No.9168 of 2015) : **(*)Mr.P.Mahendran,**
Additional Government Pleader

For R4

(in WP(MD)No.7006 of 2020) : Mr.C.Marichelliah Prabu
Additional Government Pleader

C O M M O N O R D E R

Heard the learned counsel on either side.

2. The petitioner is a resident of Vellaripatti, Melur Taluk, Madurai. She wants water supply connection for her house, which has been described in the petition itself. She also wants this Court to restrain the respondents from interfering with her peaceful enjoyment of the petition mentioned property.

3.The petitioner's counsel states that the petitioner had contested for the post of Panchayat President but was unsuccessful. Now, the victorious candidate is taking revenge on her.

4.The learned Government counsel points out that while Survey No.734/24 undoubtedly belongs to the petitioner, she had also effected construction in Survey No.734/23. The petitioner's counsel fairly concedes that while the petitioner has ownership over Survey No.734/24, she has no claim over Survey No.734/23. The petitioner has no objection for removing the construction put up by the petitioner in Survey No.734/23. Since the petitioner had given up her claim over Survey No.734/23, I am of the view that the respondent cannot have any objection for providing water supply connection. The prayer in W.P(MD) No.9168 of 2015 is for restraining the respondents from encroaching the petition mentioned property. Since Survey No.734/24 belongs to the petitioner herein, I have no hesitation to allow both the Writ Petitions as prayed for.

5.The petitioner's specific statement made through his counsel that she has no claim over Survey No.734/23 is hereby recorded. It is open to the respondents authority to remove any encroachment made by the petitioner in the said Survey number. But while so removing, it must be ensured that the structural stability of the building in the other Survey Number is not affected.



6. With these directions, the Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

**(*) Amended as per order dated 23.09.2020
made in WP(MD).9168 of 2015 & 7006 of 2020**

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

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:

(*) to be substituted the order already despatched on 17.09.2020

- 1.The District Collector,
Collectorate, Madurai,
Madurai District.
- 2.The Tahsildar, Melur Taluk,
Madurai District.
- 3.The Block Development Officer,
O/o The Block Development Officer,
Melur Panchayat Union,
Melur Taluk, Madurai District
- 4.The Special Officer to the Panchayat Union Council,
Melur Panchayat Union,
Melur Taluk, Madurai District.

+2CC to Mr.T. LAJAPATHI ROY, Advocate (SR-15187,15188[F] dated 28/08/2020)

+1 CC to SPL GP (SR-15297,15298[F] dated 28/08/2020)

W.P. (MD) Nos.9168 of 2015 & 7006 of 2020 and

WMP (MD) No.6430 of 2020

27.08.2020

VB (16.09.2020) 3P 8C

TR (23.09.2020) 3P 8C

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