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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.19251 OF 2021

A.S.Palanisamy

... Petitioner in person

.Vs.

1. The District Collector,
Sampath Nagar,
Erode District - 638 001.
2. The Revenue Divisional Officer,
Sampath Nagar,
Erode - 638 001.
3. The Tahsildar,
Modakkurichi Taluk,
Erode District - 638 104.
4. The Village Administrative Officer,
VAO Office at Senkarapalayam,
Kaspa Pettai Post,
Erode District - 638 115.
5. The Block Development Officer,
BDO Office,
Modakkurichi Panchayat Union,
Modakkurichi Taluk,
Erode District - 638 104.
6. Lakshmi
7. A.Balamurugan

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing Government respondents 1 to 5 dismantle the entire bathroom-cum-toilet illegally constructed encroaching upon the southern side wall of our house as well pray removal of unauthorized connection of southern side of one house wall with that of the neighbour's house at No.59 owned by the respondents



6 to 7 at the intersection of Southern and Eastern side walls at both the ends, while leaving less than a half a feet space as originally existed at S.No.1776/2 which spread over in 0.01.4 sqm with patta No.335 in Andakothampalayam Village, Thuyyam Poondurai 'e' Village, Modakkurichi Taluk, Erode District as sought in the representations dated 20.06.2020 (to respondents 2 to 5) and 11.07.2020 and 12.01.2021 (to 1st respondent) by the petitioner within a stipulated time.

For petitioner : Mr.A.S.Palanisamy
party-in-person

For respondents : Ms.Akila Rajendran
Government Advocate
For R1 to R4

Mr.C.Jayaprakash
Government Advocate for R5

No Appearance for R6

Not ready notice for R7

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

This Writ Petition is filed seeking for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to dismantle the entire bathroom-cum-toilet illegally constructed by the respondents 6 and 7 in Andakothampalayam Village, Thuyyam Poondurai 'e' Village, Modakkurichi Taluk, Erode District, by considering the representations of the petitioner dated 20.06.2020, 11.07.2020 and 12.01.2021.

2. Ms.Akila Rajendran, learned Government Advocate appearing for the respondents 1 to 4 and Mr.C.Jayaprakash, learned Government Advocate appearing for the 5th respondent would state that after receiving the representation of the petitioner, the Tahsildar conducted survey and also found that the private respondents have constructed the bathroom-cum-toilet in the Panchayat road. They would further state that in view of the Panchayat Election to be conducted on 16.10.2021, immediate steps would not be taken and after the Election is over, the 5th respondent is ready to remove the encroachment.

3. In the light of the statement made by the learned counsel, the writ petition is disposed of directing the 5th



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respondent to take appropriate action on the basis of the representation of the petitioner in accordance with law, after providing ample opportunity to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Sampath Nagar,
Erode District - 638 001.
2. The Revenue Divisional Officer,
Sampath Nagar,
Erode - 638 001.
3. The Tahsildar,
Modakkurichi Taluk,
Erode District - 638 104.
4. The Village Administrative Officer,
VAO Office at Senkarapalayam,
Kaspa Pettai Post,
Erode District - 638 115.
5. The Block Development Officer,
BDO Office,
Modakkurichi Panchayat Union,
Modakkurichi Taluk,
Erode District - 638 104.

+2ccs to Mr.A.S.Palanisamy, Advocate, S.R.No.50714

+1cc to Mr.C.Jayaprakash, Advocate, S.R.No.50469

+1cc to the Government Pleader, S.R.No.51263

W.P.NO.19251 OF 2021

SS(CO)

PBS/25/10/2021