



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and

THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P. (MD) No.3541 of 2021

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R.Vengatasamy

... Petitioner

-vs-

- 1.The District Collector,
District Collectorate Office,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.The District Revenue Officer,
Office of the District Revenue Officer,
Sivakasi,
Virudhunagar District.
- 4.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- 5.The Block Development Officer,
Vembakottai Taluk,
Sivakasi Taluk,
Virudhunagar District.
- 6.The President,
Subramaniyapuram Panchayat,
Sivakasi Taluk,
Virudhunagar District.

7.Barathalwar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the fifth respondent to initiate legal action by giving effect and to implement the proceedings of the fourth respondent in Moo.Moo.Aa.1/4426/2019, dated 19.11.2019 without any deviation within the time limit that may be stipulated by this Court.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.K.P.Krishnadoss

Special Government Pleader for 1 to 4



O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

This is a petition alleging encroachments and seeking removal thereof.

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2. The petitioner will make a detailed representation to the Block Development Officer, Vembakottai Taluk, within four weeks from the date.

3. Upon receipt of such representation of the petitioner, the concerned Block Development Officer will look into the allegations and take appropriate measures in accordance with law after affording an opportunity of hearing to the persons likely to be affected by his decision. The decision of the Block Development Officer should be communicated to the petitioner within six weeks of the receipt of the representation.

4. In the event the petitioner is dissatisfied with the action taken by the Block Development Officer or the decision communicated to the petitioner, the petitioner will be entitled to seek further remedies in accordance with law, but not by way of any public interest litigation and upon establishing the petitioner's *locus standi*.

5. The respondents, including the relevant Block Development Officer, are reminded that no encroachment should be allowed on any Government land or waterbody and there should not be any kind of construction or attempt at construction without due permission or sanction from the local authorities.

6. W.P.(MD) No.3541 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.



krk / ssl

To:

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- 4.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- 5.The Block Development Officer,
Vembakottai Taluk,
Sivakasi Taluk,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-7224[F] dated 25/02/2021)

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-7367[F] dated 25/02/2021)

W.P.(MD) No.3541 of 2021
24.02.2021

SV2 (CO)

KB(08.03.2021) 3P 8C