



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2021

CORAM:

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA**

W.P. (MD) No.3620 of 2021

K.Karuppaiah

... Petitioner

-vs-

- 1.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
Sivagangai Region,
Sivagangai.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.
- 4.The Special Tahsildar,
Ground Rent-Revenue Follow Up,
Karaikudi,
Sivagangai District.
- 5.The Executive Officer,
Thiruppathur Selection Grade Town Panchayat,
Thiruppathur,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to lay the favour block road in Kottai Karuppar Street, (Idaiyar Street), Ward No.6, Thiruppathur Selection Grade Town Panchayat, Sivagangai District, only after removal of the encroachments both in the southern and northern side of the above street after measuring the same in the starting point of the G-Line based on the petitioner's representation, dated 23.01.2021, within a time frame as fixed by this Court.



For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader for
R.1 to R.4

Mr.R.Murugaraj
Government Advocate for R.5

WEB COPY

O R D E R

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

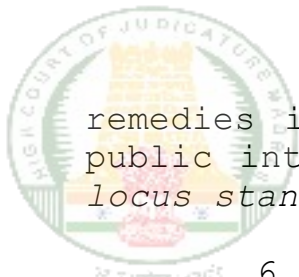
The case of the petitioner is that the respondent authorities are purporting to deal with the encroachers only on the northern side of a project involving construction of a road and, as a consequence, a proper alignment cannot be obtained without removing the encroachers on the southern side.

2.To the extent the petitioner seeks the road construction to be stalled, the prayer is declined and the respondent authorities are left free to proceed with the construction work upon following the applicable norms. However, inasmuch as the petitioner may have a grievance against encroachers or encroachment, the petitioner is permitted to make a representation within a fortnight from date to the Executive Officer of the Thiruppathur Selection Grade Town Panchayat, for such official to take appropriate steps in accordance with law, if any encroachment exists.

3.It must be emphasized that no encroachment should be allowed on any government land or waterbody and no construction should be permitted anywhere without such construction being made after obtaining due sanction or permission from the local authorities.

4.Accordingly, the fifth respondent should consider the petitioner's representation by affording an opportunity of hearing to all persons who may be affected by his ultimate decision. The reasoned decision of the fifth respondent should be communicated to the petitioner within six weeks of receipt of the petitioner's representation. If any encroachment is discovered, immediate appropriate action should be taken to remove the same after following the due procedure in such regard.

5.In the event the petitioner is aggrieved by the decision communicated to the petitioner or by the action taken by the respondent authority pertaining to the perceived encroachment, the petitioner will be entitled to pursue the petitioner's



remedies in accordance with law, but otherwise than by way of a public interest litigation and upon establishing the petitioner's locus standi.

6.W.P.(MD)No.3620 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2/gk

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 Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
Sivagangai Region,
Sivagangai.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.
- 4.The Special Tahsildar,
Ground Rent-Revenue Follow Up,
Karaikudi,
Sivagangai District.



5.The Executive Officer,
Thiruppathur Selection Grade Town Panchayat,
Thiruppathur,
Sivagangai District.

W.P. (MD) No.3620 of 2021
25.02.2021

KM (09.03.2021) 4P 6C