



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

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

W.P.(MD) No.4689 of 2021 and
W.M.P(MD)No.3800 of 2021

S.Subahar Senthoo Pandian

... Petitioner

-vs-

- 1.The District Collector/Inspector of Panchayats,
Thoothukudi District, Thoothukudi.
- 2.The Assistant Director of Panchayats,
Thoothukudi District, Thoothukudi.
- 3.The Block Development Officer,
Village Panchayat,
Udangudi, Thoothukudi District,
Thoothukudi.
- 4.The Nangaimozhi Village Panchayat,
Represented by The President cum Executive Officer,
Thoothukudi District, Thoothukudi.
- 5.The Revenue Divisional Officer,
Thiruchendur Taluk,
Thoothukudi District.
- 6.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.
- 7.The Village Administrative Officer,
Adaikalapuram Hamlet of Nangaimozhi Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the fourth respondent Village Panchayat from obstructing the public pathway in Survey No.162/1-95, Nangaimozhi Village, Thiruchendur Taluk, Thoothukudi District, by putting up any Panchayat Water Tank or in any other manner and consequently, direct the other respondents to maintain Survey No.162/1/95, as a Public Street or Pathway and free from any encroachment.



For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.Ka.Mu.Muthu

Additional Government Pleader for R.1 & R.2

Mr.R.Murugan

Additional Government Pleader for R.3

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O R D E R

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

The petitioner complains of encroachment by the fourth respondent in a public pathway in Survey No.162/1-95, Nangaimozhi Village, Tiruchendur Taluk, Tuticorin District.

2.It appears that the petitioner has made a written representation on February 17, 2021 to the authorities and such representation has not been considered.

3.Ordinarily, this Court will not be minded to receive every petty complaint of encroachment unless there is a larger element of public interest involved. Without in any manner belittling the problem of encroachment on public land that exists in this State, if Courts were to get into every tiny encroachment in every village of the State, there would be hardly any time to address other matters of pressing need.

4.At the same time, it must be emphasised that public land and waterbodies must be protected and revenue officials and others tasked with the maintenance of such places must ensure that no encroachment is allowed and that encroachments, if made, are dealt with expeditiously and effectively in accordance with law.

5.Accordingly, the petitioner is permitted to make a fresh representation to the third respondent Block Development Officer within a fortnight from date, whereupon the said respondent will consider the matter upon affording an opportunity of hearing to all concerned who might get affected by the resultant order. The speaking order of the third respondent should be communicated to all concerned, including to the petitioner, within eight weeks of the receipt of the representation.

6.In the event the petitioner is aggrieved by the action taken or the failure to take action, the petitioner will be entitled to pursue further proceedings, but not by way of a public interest litigation and upon establishing his *locus standi*.



7.W.P.(MD)No.4689 of 2021 is disposed of without any order as to costs. Consequently, W.M.P(MD)No.3800 of 2021 is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

DSK/SSL

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/Inspector of Panchayats,
Thoothukudi District, Thoothukudi.
- 2.The Assistant Director of Panchayats,
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- 4.The Revenue Divisional Officer,
Thiruchendur Taluk,
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- 5.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.
- 6.The Village Administrative Officer,
Adaikalapuram Hamlet of Nangaimozhi Taluk,
Thoothukudi District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-9143[F] dated 05/03/2021)

+1 CC to Mr.N.DILIPKUMAR, Advocate (SR-8643[F] dated 04/03/2021)

Order made in
W.P. (MD) No.4689 of 2021 and
W.M.P(MD)No.3800 of 2021
04.03.2021

TP (CO)

SRS (15/03/2021) 3P : 9C

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