



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.6545 of 2021

P.Kennady

... Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Block Development Officer,
(Village Panchayats),
Sankarankovil Panchayat Union,
Tenkasi District.

3.The Thasildar,
Sankarankovil Taluk,
Tenkasi District.

4.The President/Executive Officer,
Kuvalaikanni Village Panchayat,
Sankarankovil Panchayat Union,
Tenkasi District.

5.Vellaichamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the third respondent herein to take necessary steps to remove the encroachment in Survey No.187/84, Kuvalai Kanni Village Panchayat, Sankarankovil Panchayat Union, Tirunelveli District within the stipulated period.

For Petitioner : Mr.M.Jothi Basu

For R1 to R4 : Mr.A.K.Manickam

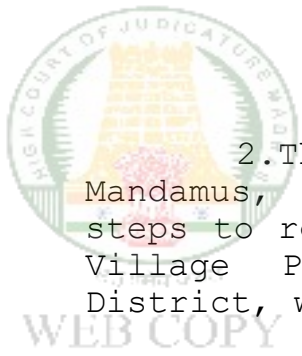
Standing Counsel for Government

For R5 : No appearance

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.M.Jothi Basu, learned counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 to 4.



2.The writ petition has been filed for issuance of Writ of Mandamus, directing the third respondent herein to take necessary steps to remove the encroachment in Survey No.187/84, Kuvalai Kanni Village Panchayat, Sankarankovil Panchayat Union, Tirunelveli District, within the stipulated period.

3.The allegation is that the fifth respondent has put up an un-authorized construction and formed a toilet.

4.The learned Standing counsel for Government appearing for the respondents 1 to 4 on instruction from the second respondent submitted that the toilet has been removed and it is used as parking place.

5.However, this explanation is not acceptable. If there is an un-authorized construction and if there is an encroachment into common property or Government land that has to be removed forthwith. Therefore, action be initiated for removing the encroachment by giving notice to the fifth respondent to remove the encroachment by himself within fifteen days, failing which, the Authorities namely the respondents 2 and 3 shall take action for removal of encroachment and recover the cost from the fifth respondent. This order be complied with within 15 days from the date of receipt of a copy of this order.

6.With the above observations, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

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,
Tenkasi District, Tenkasi.
- 2.The Block Development Officer,
(Village Panchayats),
Sankarankovil Panchayat Union,
Tenkasi District.
- 3.The Thasildar,
Sankarankovil Taluk,
Tenkasi District.
- 4.The President/Executive Officer,
Kuvalaikanni Village Panchayat,
Sankarankovil Panchayat Union,
Tenkasi District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate SR-19162[F] dated 10/06/2021
+1 CC to M/s.SPL GP (SR-19218[F] dated 11/06/2021)

ORDER MADE IN
W.P. [MD]No.6545 of 2021
09.06.2021

KMK(CO)
TR(17.06.2021) 3P 7C