



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.11602 of 2021

Durairaj

... Petitioner

Vs

1. The District Collector,
Tenkasi District.
2. The Thasildar,
Thiruvengadam,
Tenkasi District.
3. The Block Development Officer,
(Village Panchayat),
Kurivikulam, Tenkasi District.
4. The Special Officer,
Ramalingapuram Panchayat,
Tenkasi District.
5. Mr.Kanthasamy
6. Tmt.Ponnuthai

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in public street in Survey No.245/13 situated at Ramalingapuram Village, Thiruvengadam Taluk, Tenkasi District by considering the petitioner's representation to the respondents 1 to 4 dated 14.06.2021.

For Petitioner

: Mr.S.Ramasamy

For respondents

: Mr.A.K.Manikkam,
Standing Counsel for
Government
for R1,R2 and R4
Mr.P.Supparaj for R3



ORDER

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

We have heard Mr.S.Ramasamy, learned counsel appearing for the petitioner; Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents 1,2 and 4 and Mr.P.Supparaj, learned counsel appearing for the third respondent.

2. The petitioner seeks for a direction upon the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in public street in Survey No.245/13 situated at Ramalingapuram Village, Thiruvengadam Taluk, Tenkasi District by considering the petitioner's representation to the respondents 1 to 4 dated 14.06.2021.

3. From the photographs filed in the typed set of papers, we find that the construction is not a recent building and it appears to be an old building. In any event, the petitioner has given representation only on 14.06.2021 and has immediately approached this Court and filed this writ petition.

4. The learned Government Counsel appearing for the official respondents, on instructions, submitted that the Tahsildar requires time to conduct a survey and thereafter only action will be taken.

5. In the light of the above, we dispose of this writ petition, directing the Tahsildar, Thiruvengadam, Tenkasi District, to proceed in accordance with law after notice to the respondents 4, 5 and 6, as expeditiously as possible.

6. With the above direction, this **Writ Petition stands disposed of**. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note :

1. 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.
2. The Thasildar,
Thiruvengadam,
Tenkasi District.
3. The Special Officer,
Ramalingapuram Panchayat,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-22921[F] dated 16/07/2021)

W.P. (MD) No.11602 of 2021
14.07.2021

RKN (29.07.2021) 3P 5C