



WEB COPY

W.P.(MD)No.13729 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.13729 of 2019

(Through Video Conferencing)

S.Subramanian

: Petitioner

Vs.

1.The District Collector
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Pudukottai Taluk
Pudukottai District.

3.The Tahsildar,
Pudukottai Taluk
Pudukottai District.

4.Chinnamani

5.C.K.P.@ Muthuvel

6.Tamilarasu Asari

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the 3rd respondent to remove the encroachment made by the 4th to 6th respondents in S.No.448/1 of Perungalur Village, Pudukottai Taluk and District within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.K.Baalasundaram

For Respondents : Mr.N.Shanmugaselvam for R1 to R3
Special Government Pleader.
Mr.N.Balakrishnan for R4 and R5

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This is a very unfortunate case, where neither the respondent No.3 nor the Block Development Officer, Pudukottai Panchayat Union, Pudukottai is willing to take action to remove the encroachment. The Block Development Officer, Pudukottai has sent a communication dated 08.07.2015 asking the respondent No.3 to take action. It was repeated again by the proceedings dated 11.09.2018.



2.The respondent No.3 in turn asked the said Block Development Officer to take action by the communication dated 24.09.2018, after recording that it is a Government poramboke Vari.

3.Thus, it is a case of both the Block Development Officer and the respondent No.3 passing the buck to each other without taking any action. The petitioner has been approaching the respondents for more than a decade. Therefore, it is a clear case of official apathy and acting in collusion to protect the encroachment. Despite notice served and the vakalat filed, none appears for the respondents 4 to 6.

4. In such view of the matter, we call upon the respondent No.3 and the Block Development Officer, Pudukottai to carry out the eviction proceedings against the encroachers by following the procedure in accordance with law within eight weeks from the date of receipt of a copy of this order.

5. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

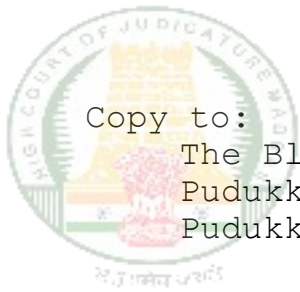
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Pudukottai Taluk
Pudukottai District.

3.The Tahsildar,
Pudukottai Taluk
Pudukottai District.



Copy to:
The Block Development Officer,
Pudukkottai,
Pudukkottai District.

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Dated: 31.03.2021

KK (25.05.2021) 3P 5C