



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. (MD) No.7232 of 2019

WEB COPY

A.Karuppanasamy

.. Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.Tahsildar,
Kalaiyarkovil,
Sivagangai District.

3.The Block Development Officer,
Kalaiyarkovil,
Sivagangai District.

4.Naganathan

.. Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in common pathway in Survey Nos.187/25 and 187/15 situate in Kulalavayal Village, Kalaiyarkovil Taluk, Sivagangai District by considering the petitioner's representation of the first respondent dated 09.02.2019.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.B.Saravanan

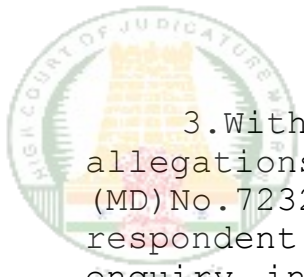
Government Advocate for R1 to R3

ORDER

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

The grievance of the petitioner is that the fourth respondent has constructed a toilet on a public pathway and representations by the petitioner to the relevant officials have not been acted upon.

2.The official respondents are represented by Mr.B.Saravanan. According to Mr.B.Saravanan, the appropriate person to decide the matter would be the Tahsildar.



3. Without going into the merits of the petitioner's allegations against the fourth respondent, a private party, W.P (MD)No.7232 of 2019 is disposed of by directing the second respondent Tahsildar, Kalaiyarkovil in Sivagangai, to make an enquiry into the matter after affording both the petitioner and the fourth respondent an opportunity of hearing and take immediate appropriate steps in accordance with law upon notice to both the private parties.

4. The relevant Tahsildar should communicate his reasoned decision to both the petitioner and the private respondent within eight weeks of the receipt of an authenticated copy of this order. The Writ Petition has been disposed of without previous notice to the fourth respondent since the Tahsildar has been required to issue a notice to the fourth respondent before taking any action. There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Sivagangai District.

2. Tahsildar,
Kalaiyarkovil,
Sivagangai District.

3. The Block Development Officer,
Kalaiyarkovil,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-27031[F] dated 24/08/2021)

W.P. (MD) No.7232 of 2019
23.08.2021