



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.16347 of 2020

K.Soundararajan

... Petitioner

Vs.

1.The District Collector,
Madurai Collectorate Campus,
Madurai - 20.

2.The Assistant Director (Village Panchayats),
Madurai Collectorate Campus,
Madurai - 20.

3.The Block Development Officer,
Melur Union Office,
Madurai District.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The President,
Sathamangalam Village Panchayat,
Thaniyamangalam Post - 625 109,
Melur Taluk,
Madurai District.

6.Deivendran

7.Vasanth

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first to fifth respondents to remove the encroachment made by the sixth and seventh respondents in Survey No.109/33, Sathamangalam Village, Melur Taluk, Madurai District considering the petitioner's representation dated 07.10.2020 (second representation) sent to the first respondent.



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For Petitioner : Mr.I.Suthakaran
For Respondents 1, 2&4 : Mr.K.Mu.Muthu,
Additional Government Pleader
For Respondents 3&5 : Mr.M.Muniyasamy
Additional Government Pleader
For Respondent No.6 : Mr.N.Sabarinathan
For Respondent No.7 : Mr.D.Srinivasa Raghavan

O R D E R

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

Heard the learned Counsels on either side.

2.This Writ Petition, styled as a Public Interest Litigation seeks for a direction upon the respondents 1 to 5 to take action to remove the encroachment made by the respondents 6 and 7.

3.Learned Counsel for the seventh respondent would submit that there is no encroachment done by the seventh respondent and it is on account of certain political motives that his client has been impleaded as the respondent.

4.Learned Counsel for the sixth respondent has referred to the counter affidavit filed by the sixth respondent and submitted that they are enjoying the patta land and there is no encroachment.

5.The learned Additional Government Pleader would submit that a survey was conducted in the presence of the President of Panchayat and the general public and it revealed that there is encroachment at the instance of respondents 6 and 7.

6.It appears that no notice was issued to respondents 6 and 7. In any event, if action is to be initiated, the respondents 6 and 7 are to be put on notice. Therefore, we direct the third respondent / Block Development Officer, Melur, to issue notice to respondents 6 and 7 and to re-measure the property in the presence of respondents 6 and 7, consider the documents that the respondents 6 and 7 may produce before the third respondent and a reasoned order be passed on merits and in accordance with law. This direction be complied with within a period of eight [8] weeks from the date of receipt of a copy of this order.



7. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd

ASSISTANT REGISTRAR (P AND A)

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TRUE COPY

/05/2021

SUB ASSISTANT REGISTRAR (CS)

MR

To

1. The District Collector,
Madurai Collectorate Campus,
Madurai - 20.
2. The Assistant Director (Village Panchayats),
Madurai Collectorate Campus,
Madurai - 20.
3. The Block Development Officer,
Melur Union Office,
Madurai District.
4. The Tahsildar,
Melur Taluk,
Madurai District.
5. The President,
Sathamangalam Village Panchayat,
Thaniyamangalam Post - 625 109,
Melur Taluk,
Madurai District.

1CC TO MR. I. SUTHAKARAN, ADVOCATE SR 16119
1CC TO MR. D. SRINIVASARAGAVAN, ADVOCATE SR 15906
1CC TO THE SPL GOVT PLEADER SR 16250

TR

3/5/2021

3P/9C

ORDER MADE IN
W.P. [MD] No. 16347 of 2020
15.04.2021