



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY**

W.P. (MD) No. 17589 of 2021

and

W.M.P (MD) No. 14490 of 2021

A.Abbas

.. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam Revenue Division,
Tahsildar Nagar, Tamaraikulam,
Periyakulam Taluk, Theni District.

3.The Tahsildar,
Periyakulam Taluk
Theni District.

4.The Block Development Officer,
Periyakulam Panchayat Union,
Periyakulam Taluk,
Theni District.

5.The Executive Officer,
Bomminayakanpatti Panchayat,
Bomminayaanpatti,
Periyakulam Taluk,
Theni District.

6.Ayesha Begum

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action for removal of encroachment made by individuals at public road at Survey No.2370 at Bomminayakanpatti Panchayat Periyakulam Panchayat Union, Theni District and dispose of the representation dated 17.09.2021 made by the petitioner within the time limit that may be stipulated by this Court.



For Petitioner : Mr. D.Selvanayagam
For Respondents1 to 4 : Mr. P.Thilak Kumar
Additional Government Pleader

ORDER

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

The grievance of the petitioner is that the sixth respondent has encroached on to a public road and has made a construction thereupon.

2.Mr.P.Thilak Kumar, learned Additional Government Pleader appears on behalf of respondent Nos.1 to 4 and submits that the third respondent-Tahsildar of Periyakulam Taluk would be the appropriate official to look into the petitioner's grievance.

3.Without going into the merits of the petitioner's allegations, W.P.(MD)No.17589 of 2021 is disposed of, by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of to the third respondent-Tahsildar of Periyakulam Taluk. Immediately upon receipt of such representation, the Tahsildar will conduct an inquiry upon notice to both the petitioner and the sixth respondent and any other person who may be affected by the inquiry or any action taken in pursuance thereof. The reasoned decision of the Tahsildar following the inquiry should be communicated to the petitioner, the sixth respondent and any other person likely to be affected thereby.

4.In the event any encroachment is found, the Tahsildar will take immediate appropriate action, including referring the matter to the superior authorities for the removal of the encroachment.

5.Since no prejudice is occasioned by this order and the sixth respondent has been required to be furnished notice before the Tahsildar embarks on the inquiry in terms of this order, no previous service has been required to be effected on the sixth respondent. However, the petitioner will be obliged to immediately forward copies of the petition and this order to the sixth respondent.

There will be no order as to costs. Consequently, W.M.P.(MD) No.14490 of 2021 is closed.

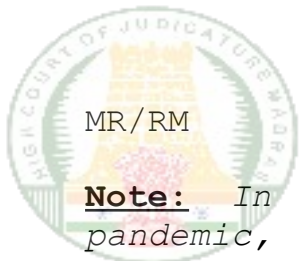
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



MR/RM

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,
Theni District,
Theni.
- 2.The Revenue Divisional Officer,
Periyakulam Revenue Division,
Tahsildar Nagar, Tamaraikulam,
Periyakulam Taluk, Theni District.
- 3.The Tahsildar,
Periyakulam Taluk
Theni District.
- 4.The Block Development Officer,
Periyakulam Panchayat Union,
Periyakulam Taluk,
Theni District.
- 5.The Executive Officer,
Bomminayakanpatti Panchayat,
Bomminayaanpatti,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-30453[F] dated 28/09/2021

+1 CC to M/s.SPL.GP (SR-30661[F] dated 29/09/2021)

W.P. (MD) No. 17589 of 2021
28.09.2021

KS (CO)

KB(07.10.2021) 3P 8C