



WEB COPY

W.P(MD).No.19913 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P(MD) .No.19913 of 2017

Babu

... Petitioner

Vs

1.The District Collector,  
Pudukkottai District, Pudukkottai.

2.The Tahsildar,  
Alangudi Taluk Office,  
Pudukkottai Distrtict.

3.The Executive Officer,  
Kiramangalam Town Panchayat,  
Pudukkottai District.

4.Chandrasekaran

5.Rajalakshmi

6.Pavalakodi

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Writ of Mandamus or any other appropriate writ or direction, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in the place earmarked for public purpose as per layout which was approved in proceedings L.P/R(RP).No.35/77 by the third respondent in Survey No.103 Part of Keeramangalam Village, Pudukkottai District, restore the same to its original status of public purpose land as per the layout approval.

For Petitioner : Mr.G.Thiruvartselvan

For R1 and R2 : Mr.A.K.Manickam,  
Standing Counsel for Government

For R3 : Mr.G.Muthukannan

For R4 : Mr.K.Baalasundaram

For R5 : No Appearance



**ORDER**

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

We have heard Mr.G.Thiruvarutselvan, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 and 2, and Mr.G.Muthukannan learned counsel appearing for the third respondent.

2.Mr.K.Baalasundaram, learned counsel has entered appearance for the fourth respondent. But however, the learned counsel has reported no instructions today, since the client is not responding to their calls.

3.The petitioner has filed this writ petition to direct the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in a place earmarked for public purpose, which according to the learned Standing Counsel for Government, is a playground.

4.If the layout is an approved layout and the area is earmarked as playground, the same cannot be sold or converted to any other usage. There appears to be some internal dispute between the petitioner and the private respondents and a criminal case is also pending based on a complaint given by the petitioner's wife, Tmt.Selvi.

5.Be that as it may, the respondents 2 and 3 are directed to constitute an inspection team to inspect the property in question to ascertain the ground realities as to whether there is any encroachment. If there is encroachment, action be initiated by issuing notice to the respondents 4 to 6 and after affording an opportunity to the respondents 4 to 6, orders be passed on merits and in accordance with law. This direction be complied with, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

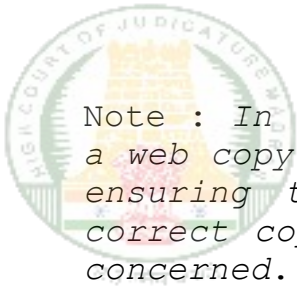
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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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.

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To

- 1.The District Collector,  
Pudukkottai District, Pudukkottai.
- 2.The Tahsildar,  
Alangudi Taluk Office,  
Pudukkottai Distrtict.
- 3.The Executive Officer,  
Kiramangalam Town Panchayat,  
Pudukkottai District.

+1 CC to M/s.SPL GP ( SR-22273[F] dated 13/07/2021 )

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SSS(CO)

LR (20.07.2021) 3P 5C