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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3082 of 2022

and

W.M.P. No.3244 of 2022

K.Balasubramani

... Petitioner

vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
Mallasamudram Panchayat Union,
Mallasamudram,
Namakkal District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.
4. The Village Administrative Officer,
Morangam Village Panchayat,
Morangam,
Tiruchengode Taluk,
Namakkal District.
5. K.Thangaraj
6. Poongodi
7. K.Ramasamy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents 1 to 4 to take appropriate action against the respondents 5, 6 and 7 and consequently to remove the encroachment made by the respondents 5, 6 and 7 in the Morangam Panchayat Road from



Morangam Kasba to Marapparai limits upto Karungalpatti Pirivu Road, Morangam Panchayat, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.V.P.R.Elamparithi,
Additional Government Pleader,
for R1, 3 and 4

Mr.R.Siddharth,
Government Advocate for R2

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ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court seeking a direction to respondents 1 to 4 to take appropriate action against respondents 5 to 7 and consequently to remove the encroachment made by them in the Morangam Panchayat Road from Morangam Kasba to Marapparai limits upto Karungalpatti Pirivu Road, Morangam Panchayat, Tiruchengode Taluk, Namakkal District.

2.Learned counsel appearing for the petitioner submitted that there is a Village Panchayat Road from Morangam Kasba to Marapparai limit upto Karungalpatty Pirivu Road from time immemorial and the said Panchayat road was originally a cart track. However, in the year 2002, the said road was upgraded-relaid with jelly stones from the District Panchayat Union funds and in the year 2008 and 2009, the said road was laid with tar from the funds of M.L.A's Constituency Development Scheme. While so, respondents 5 to 7 have illegally and un-authorisedly started to encroach into the Panchayat Road. Therefore, the petitioner Panchayat has passed a Resolution dated 18.08.2021 and thereby resolved to give a representation to the District Collector and to the Block Development Officer, respondents 1 and 2 herein requesting them to take appropriate action against the encroachers in the tar road, namely respondents 5 to 7. In this regard, the petitioner Panchayat has also given a representation to the District Collector and to the Block Development Officer, pursuant to the said Resolution. While so, the said persons have illegally damaged the tar road on 21.10.2021. Therefore, the petitioner has given a complaint to the Village Administrative Officer and to the Inspector of Police, Elachipalayam Police Station. Pursuant to the same, the Village Administrative Officer came to the site and conducted a Field Inspection and certified that the above said persons have



damaged the tar road on 21.10.2021. Despite the same, no action has been taken against respondents 5 to 7 either by the Revenue Officials or by the Police Officials to remove the illegal encroachment. Therefore, the petitioner, being the President of the Morangam Panchayat, in order to protect the public road, has filed this writ petition seeking the above direction.

3.Learned Government Advocate appearing for the second respondent sought six weeks time to take appropriate action and to file a report to the District Collector, the first respondent herein.

4.Considering the limited relief sought for in this petition and without going into the merits of the matter, we hereby direct the Block Development Officer, Mallasamudram, Namakkal District, the second respondent herein and the District Collector, Namakkal District, the first respondent herein to take action for removal of the encroachment, if respondents 5 to 7 are found to be encroachers, after conducting proper enquiry and giving notice to all the necessary parties concerned, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition stands disposed of. Consequently, W.M.P. No.3244 of 2022 stands closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
Mallasamudram Panchayat Union,
Mallasamudram,
Namakkal District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.



4. The Village Administrative Officer,
Morangam Village Panchayat,
Morangam,
Tiruchengode Taluk,
Namakkal District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.10485

W.P.No.3082 of 2022 and
W.M.P. No.3244 of 2022

GPL (CO)
SU (02/03/2022)