



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.20627 of 2021

T.Malliga

... Petitioner

vs

1.The Revenue Divisional Officer,
Erode, Erode District.

2.The Tahsildar,
Modakurichi,
Modakurichi Taluk,
Erode District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to consider the petitioner representation dated 18.08.2021 and to remove the encroachments made in Site No.38 of Rajiv Nagar situated in R.S. No.101/3, Kasbapettai 'A' Village, Modakurichi Taluk, Erode District within time frame fixed by this Court.

For Petitioner : Mr.S.Kaithamalai Kumaran
For Respondents : Mr.J.Ravindran,
Additional Advocate General
Assisted by Mr.A.Selvendran,
Special Government Pleader

ORDER

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

The petitioner has come to this Court seeking a direction to the respondents to consider her representation dated 18.08.2021 and to remove the encroachments made in Site No.38, situated at R.S. No.101/3, Kasbapettai 'A' Village, Modakurichi Taluk, Erode District within a time frame fixed by this Court.

2.Learned counsel appearing for the petitioner submitted that on 24.01.2007, the petitioner purchased a residential plot No.38, measuring to an extent of 4658 sq.ft., situated at



Kasbapettai 'A' Village, Modakurichi Taluk, Erode District and from the date of purchase, the petitioner is in possession and enjoyment of the property. Thereafter, her son-in-law passed away due to Covid-19 on 05.06.2021 and the petitioner has also been affected with Asthma and Urinary infection. After recovering from the above, when the petitioner went to the site for initiating further construction proceedings, to her shock and surprise, she found that a Vinayagar Temple has been put up by the people of the said village in Site No.39, which is adjacent to her Site No.38. While constructing the said Temple, her property had also been encroached to an extent of 500 sq.ft. When the same was questioned with Panchayat President, the petitioner came to know that no permission was obtained for putting up the temple. In order to remove the encroachment, the petitioner made a representation dated 18.08.2021 to the respondents herein along with the sale deed. In spite of her representation, the respondents failed to initiate action to remove the encroachments. Therefore, the petitioner is before this Court.

3.Learned Special Government Pleader appearing for the respondents submitted that since the land in question falls outside the jurisdiction of the Thasildar, Modakurichi, the petitioner has to approach only the Block Development Officer, Modakurichi, who has got jurisdiction to redress the petitioner's grievance.

4.Since the Block Development Officer, Modakurichi, Modakurichi Taluk, Erode District has not been impleaded as a party, we hereby permit the petitioner to give a representation to the Block Development Officer, Modakurichi, Modakurichi Taluk, Erode District within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the Block Development Officer, Modakurichi, Modakurichi Taluk, Erode District is directed to pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter, after giving notice to all the necessary parties concerned.

5.With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vga



To

1.The Revenue Divisional Officer,
Erode, Erode District.

2.The Tahsildar,
Modakurichi,
Modakurichi Taluk,
Erode District.

3.The Block Development Officer,
Modakurichi,
Modakurichi Taluk,
Erode District.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.No.11379
+1cc to the Government Pleader SR.No.11973

W.P.No.20627 of 2021

GJ(CO)
GN(11/03/2022)