



W.P.No.30094 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30094 of 2022

R.Senthilkumar

.. Petitioner

VS

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Assistant Director of Town Panchayat,
Erode Region,
Erode.

3.The Tahsildar,
Taluk Office,
Madathukulam,
Tiruppur District.

4.The Executive Officer,
Madathukulam Panchayat Union,
Madathukulam,
Tiruppur District.

5.Pappathi

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the official respondents to take appropriate action against the fifth respondent for construction of the building by violating Building Rules and demolish the unauthorised construction situated in Door No.68 (Old No.50), Subramaniya Nagar, Krishnapuram, Maduthukulam Taluk, Tiruppur District.

For the Petitioner : Mr.M.Muthappan

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.1 to 5

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner seeking issuance of a writ of mandamus directing the official respondents to take appropriate action against the fifth respondent for constructing a building by violating the building rules and demolish the unauthorised construction situated at new Door No.68, old Door No.50, Subramaniya Nagar, Krishnapuram, Madathukulam Taluk, Tiruppur District.



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2. Learned counsel appearing for the petitioner submitted that the fifth respondent has constructed a building by encroaching on the road and also without leaving set-back, which is causing hindrance to the residents of Subramanya Nagar and that the petitioner has already submitted a representation to the District Collector, Tiruppur District as well as the Executive Officer of Madathukulam Panchayat Union on 9.4.2018. He would submit that despite the District Collector forwarding the representation to the fourth respondent Executive Officer, no action was taken till date by the said authority. Hence, the petitioner has filed the present writ petition for the relief stated supra. In support of his submissions, learned counsel placed reliance upon the communication of the fourth respondent, Executive Officer to the Revenue Divisional Officer, Udumalaipettai, wherein it has been stated as under:

"Pursuant to the letter of Tahsildar, Maduthukulam as per first cited reference, in order to remove the encroachment, the Tahsildar, Executive Officer and Sanitary Supervisor along with Head Surveyor inspected the site on 20.8.2022. Moreover the Revenue Divisional Officer in his letter 2nd cited



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reference informed that the above subject the house is constructed by encroaching the Town Panchayat road. Hence it is informed after receipt of the final report of the Head Surveyor, the necessary steps will be taken to remove the encroachment and the said area."

3. Mrs.R.Anitha, learned Special Government Pleader, taking notice on behalf of respondents 1 to 4, submitted that the fourth respondent Executive Officer has already taken action on the representation of the petitioner and, in fact, on 13.9.2022, the fourth respondent has sent a communication to the Revenue Divisional Officer, Udumalaipettai stating that upon receipt of the report from the Head Surveyor, the encroachment should be removed. Learned Special Government Pleader, on instructions, further submitted that the official respondents will proceed in furtherance of the letter dated 13.9.2022 and undertakes to remove the encroachments within a period of eight weeks, after giving notice to the fifth respondent.

4. Since the fourth respondent Executive Officer of Madathukulam Panchayat Union undertakes to remove the



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encroachment made by the fifth respondent after obtaining a report from the Head Surveyor and in this regard, the Executive Officer has also sent a communication to the Revenue Divisional Officer, Udumalaipettai, this Court is of the view that the present writ petition can be disposed of by recording the submission made by learned Special Government Pleader, appearing for the official respondents.

5. Accordingly, the writ petition is disposed of by directing the official respondents to remove the encroachment made by the fifth respondent as undertaken and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving notice to her. There will be no order as to costs. Consequently, W.M.P.No.29518 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
14.11.2022

Index : Yes/No
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AND
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