



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take immediate action against removal of encroachment and illegal construction made in violation in the Government Puramboke Land and also Part of Petitioner's land comprises of Survey No.T.S.No.146/Ward No.5/Block No.3 and T.S.No.145/Ward No.5/Block No.3 respectively, situated at Bodinayakanur Municipality, Theni District and subsequently direct the 1st respondent to initiate disciplinary action under Rule 12 of the Tamil Nadu Local Bodies Ombudsman (Manner of Filing, Inquiry and Disposal of Complaints) Rules, 2015, against the respondents No.6 to 8 for their illegal favour and willful inaction against the 5th respondent encroachment and illegal construction in violation under the Tamil Nadu District Municipalities Act, 1920 and wantonly failed to fulfil their fundamental duty, dereliction on their duty, wilful disobedience against the detailed order passed by the Tamil Nadu Local Bodies Ombudsman Order No.208/Na/2018, dated 21.06.2019, on the basis of High Court verdicts within the time limit that may be stipulated by this Court.

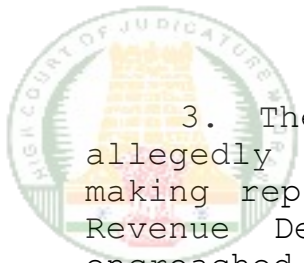
For Petitioner : Mr.Ramesh Mahadev
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

(Order of the Court was made by S.S.SUNDAR.J.,)

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take immediate action against the removal of encroachment and illegal construction made in the Government Porambok land and also part of the petitioner's land comprised in Survey No.T.S.No.146/Ward No.5/Block No.3 and T.S.No.145/Ward No.5/Block No.3 respectively, situated at Bodinayakanur Municipality, Theni District and subsequently direct the 1st respondent to initiate disciplinary action against the respondents 6 to 8 for their willful inaction against the 5th respondent encroachment and illegal construction in violation of the Tamil Nadu District Municipalities Act, 1920 and wantonly failed to fulfil their fundamental duty, dereliction on their duty, wilful disobedience against the detailed order passed by the Tamil Nadu Local Bodies Ombudsman Order No.208/Na/2018, dated 21.06.2019.

2. Heard the learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who accepts notice for the first respondent.



3. The petitioner claims to be the owner of the land as allegedly encroached by the private respondents. However, while making representations to various authorities like Local Body and Revenue Department, stating that the private respondents have encroached into the public premises or water bodies, the prime object appears to be to remove the encroachment from the place which according to him, is owned by him. As far as the respondents are concerned, it is reported that they have taken action against the private respondents for encroachment in public land or water body, in accordance with law. Since the prime object is to clear the encroachment in the petitioner's land, this Court is unable to see any merit in the writ petition. Accordingly, this Writ Petition is dismissed. However, a direction is issued to the official respondents to proceed further for removal of encroachment against the private respondents or any one in public lands or in water bodies, by resorting to the relevant provisions and following the procedure, in accordance with law. It is open to the petitioner to approach the Civil Court, if he wants to establish his title and seeks any relief against the private individuals alleging encroachment into his private patta land. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai 600 009.

2.The Municipal Commissioner,
Bodinayakkanur Municipality,
Theni District.

3.The Town Planning Inspector,
Bodinayakkanur Municipality,
Theni District.

4.The Town Survey Sub Inspector,
Bodinayakkanur Municipality,
Theni District.

5.The Secretary,
Thai Sthalam Devangar Jathi Pothumai,
Bodinayakkanur Municipality,Theni District.

+1 CC to M/s.SPL.GP (SR-28194[F] dated 27/06/2022)

W.P. (MD) .No.12845 of 2022

23.06.2022