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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.11704 of 2022

and

W.M.P. (MD)Nos.8279 and 8280 of 2022

Ramalakshmi

...Petitioner

-Vs-

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti Revenue Divisional Office,
Thoothukudi District.

3.The Zonal Director of Town Panchayat,
Zonal Director Town Panchayat Office,
Tirunelveli.

4.The Tahsildar,
Vilathikulam, Thoothukudi District.

5.The Land Revenue Inspector,
Vilathikulam, Thoothukudi District.

6.The Panchayat President,
Vilathikulam Town Panchayat,
Vilathikulam, Thoothukudi District.

7.The Executive Officer,
Vilathikulam Town Panchayat,
Vilathikulam, Thoothukudi District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice of the 7th respondent in his proceedings in Na.Ka.No.35/2022 dated 24.05.2022 and quash the same and consequently, direct the respondents to maintain the fencing adjacent to the wall already erected in order to avoid nuisance to the public and common interest to the people in the locality.

For Petitioner

: Mr.A.Marthandavarman

For R1 to R5

: Mr.S.P.Maharajan,
Special Government Pleader.

For R6 & R7

: Mr.J.Ashok,
Additional Government Pleader.



ORDER

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

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It is a peculiar case, where the petitioner has received a notice for removal of encroachment into the road portion under Section 182 of the Tamil Nadu District Municipalities Act, 1920.

2.It is the case of the petitioner that she is the elected member of Councillor in the 8th Ward of Vilathikulam Town Panchayat in the Urban Local Body Election conducted recently. The petitioner admitted that at the entrance of Meeran Palayam Street attached to the 8th Ward, there is a compound wall constructed by the Registration Department. It is the further case of the petitioner that some anti-social elements made nuisance to the public and some unknown persons are sticking unwanted bills and postures on the wall. The petitioner further states that some unknown persons, after consuming liquor, are throwing the empty glasses and bottles on the wall, which is also obstructing the free passage of public and causing great hardships and nuisance to the public because of the failure in taking any action by the respondents. In these circumstances, after sending a letter to the 7th respondent, the petitioner has put up fencing across the wall in order to put an end to the problem and protect the compound wall of the Registration Department.

3.This Court is of the considered view that the fencing done by the petitioner is admittedly laid in the public street. It cannot be disputed that the petitioner has actually reduced the width of the road under the pretext of protecting the compound wall of the Registration Department. Though it was done with good intention, encroachment of the public road cannot be accepted, merely because the petitioner is unable to tolerate the postures and bills that are displayed on the wall.

4.This Court is unable to find fault with the impugned order dated 24.05.2022, whereby the petitioner was directed to remove the fencing put up by her over the public road. However, while dismissing this Writ Petition, this Court directs the respondents to prevent any nuisance or sticking of bill and postures in the public wall by the individuals. Everyone, who pastes the postures or bills for any purpose, is liable to face further consequences and the local body is also directed to take appropriate action, if a representation is submitted by the petitioner, by following the procedures contemplated under the relevant statutes and rules.



5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar (CS)

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To

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Vilathikulam Town Panchayat,
Vilathikulam, Thoothukudi District.

+1 CC to M/s.SPL.GP. (SR-26427[F] dated 17/06/2022)

W. P (MD) No. 11704 of 2022

15.06.2022

MGJ(30.06.2022) 3P 9C