



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P. (MD)No.12355 of 2022

N.Jegadeesan : Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Thamaraikulam, Periyakulam
Theni District.

3.The Tahsildar
Andipatti Taluk Office,
Andipatti
Theni District.

4.The Block Development Officer (Rural Development)
Office of the Block Development Officer,
Andipatti
Theni District

5.Jayakodi

6.Sarkunam : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to initiate appropriate proceedings pursuant to the order passed by the 3rd respondent in Na.Ka.No.9789/2021/Aa3 dated 15.03.2022 to remove the encroachments made by the respondents 5, 6 and others in Paal Odai comprised in S.No.639 situated at Kovilpatti Village, Andipatti Taluk, Theni District and restore it to its original position within a time frame that may be stipulated by this Court.

For Petitioner

: Mr.R.R.Kannan

For Respondents

: Mr.SRA.Ramachandran

for R1 to R3

Additional Government Pleader

Mr.P.Thilakkumar for R4

Government Pleader



ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Alleging that the respondent Nos.5 and 6 have made encroachments in S.No.639, Kovilpatti Village, Andipatti Taluk, Theni District, which has been classified as Paal Odai, the present public interest litigation has been filed for a direction to the respondents 1 to 4 to remove the same.

2.Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned Government Pleader for the 4th respondent.

3.The learned counsel for the petitioner brought to the notice of this Court the proceedings in Na.Ka.No.9789/2021/Aa3 dated 15.03.2022 issued by the Tahsildar, Andipatti (third respondent herein) to the Block Development Officer, Rural Development, Andipatti (fourth respondent herein), wherein it is stated that Jeyakodi (5th respondent) and Sarkunam (6th respondent) have constructed buildings in S.No.639, which has been classified as Paal Odai and that it should be removed and report be sent to the Tahsildar along with photos under Section 131(2) of the Tamil Nadu Panchayats Act, 1994. A duty is cast upon the officers mentioned therein to report about the encroachments and also to remove the same. The provision further states that if the removal is not secured within the period specified in the order of the Government, then the revenue department has the power to initiate proceedings under the Tamil Nadu Land Encroachment Act, 1905.

4. In view of the above, we direct the respondent No.4 to comply with the order dated 15.03.2022 passed by the third respondent and remove the encroachments, if there are no legal impediments within a period of three months from the date of receipt of a copy of this order and send a report to the third respondent.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RR



To

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Thamaraikulam
Periyakulam
Theni District.

3.The Tahsildar
Andipatti Taluk Office,
Andipatti, Theni District.

4.The Block Development Officer (Rural Development)
Office of the Block Development Officer,
Andipatti, Theni District

5. Jayakodi
W/o. Subburaj, Nachiyarpuram, Kovilpatti Village,
Andipatti Taluk, Theni District.

6. Sarkunam
S/o. Narayanasamy, Nachiyarpuram,
Kovilpatti Village, Andipatti Taluk, Theni District.

+2 CC to M/s.R.R. KANNAN, Advocate (SR-26884[F] dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27082 & 27095[F] dated 21/06/2022)

Order made in
W.P. (MD) No.12355 of 2022
20.06.2022

VR(CO)
TR(28.06.2022) 3P 10C