



W.P.(MD) No.18369 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.18369 of 2017
and
W.M.P.(MD) No.14812 of 2017

R.Veerappasamy

... Petitioner

-VS-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Tahsildhar
Sattur Taluk
Virudhunagar District

3.The Block Development Officer
Sattur, Virudhunagar District

4.Uthanda Ramalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of mandamus directing the respondents 1 and 2 to remove the



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encroachment put up by the fourth respondent in the form of her ongoing construction of a Temple along with a compound wall in a public pathway and in paddy threshing field (Nerkalam) in S.Nos.320/7 and 320/8, Periyakollanpatti Village, Sattur Taluk, Virudhunagar District as expeditiously as possible, within a time stipulated by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 & R2
Mr.S.Kumar for R3
Mr.Lakshmi Gopinathan
for M/s.Polax Legal Solutions for R4

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent, in the form of construction of a Temple along with a compound wall in a public pathway and in the paddy threshing field (Nerkalam) in Survey Nos.320/7 and 320/8 of Periyakollanpatti Village, Sattur Taluk, Virudhunagar District, within a time frame.



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2. The Tahsildar, Sattur Taluk / second respondent has filed a counter affidavit, wherein, at Paragraph Nos.6, 7 and 8, he has stated as follows:

“6.It is submitted that the Village Administrative Officer, Periakollapatti Village, Sattur Taluk, Virudhunagar District and Firka Surveyor have reported that there is no encroachment by the fourth respondent in S.No.320/7, which is classified as “Pathai Poramboke” of Periakollapatti Village, Sattur Taluk, Virudhunagar District.

7.It is submitted that the Village Administrative Officer, Periakollapatti Village, Sattur Taluk and Firka Surveyor have further reported that at present there is one “Kalam” in S.No.320/8 of Periakollapatti Village, Sattur Taluk. The “Kalam” has been located at an height of one feet. For the construction of a Temple a concrete foundation has been constructed at an height of 3 feet.

8....In this case, the third respondent is the competent authority to evict the encroachment made by the fourth respondent. The third respondent has been requested in this office Pdl.No.A3/113/2019, dated 19.09.2019 to evict the encroachment made by the fourth respondent in S.No.320/8 under the provisions laid down in Tamilnadu Panchayat Act. ”



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3. In view of the above, the third respondent is directed to remove the encroachment made by the fourth respondent in S.No.320/8 of Periakollapatti Village, Sattur Taluk, within a period of eight (8) weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to all the parties concerned, and by due process of law.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]

29.09.2022

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildhar,
Sattur Taluk,
Virudhunagar District.



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