



WEB COPY



W.P.No.12362 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12362 of 2022 and
W.M.P.No.11812 of 2022

M.Pappathi

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Petitioner

vs

1. The District Collector
Erode District, Erode.
2. The Block Development Officer
Bhavani Division, Bhavani
Erode District.
3. The Thasildar
Bhavani Taluk, Bhavani
Erode District.
4. The President
Appakudal Municipality
Erode District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents not to remove petitioner's hut situated at No.43/4 Kamarajar Colony, Bhavani Main Road, Appakudal, Sakthi Nagar Post, Erode District 638 315 and restrain the respondents from placing septic tank before his hut, based on petitioner's representation dated 02.05.2022.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER



W.P.No.12362 of 2022

The relief sought for in the present writ petition is to direct the respondents not to remove petitioner's hut situated at No.43/4 Kamarajar Colony, Bhavani Main Road, Appakudal, Sakthi Nagar Post, Erode District 638 315 and restrain the respondents from placing septic tank before his hut, based on petitioner's representation dated 02.05.2022.

2. The grievance of the writ petitioner is that the respondents are interfering with the peaceful possession of the property belonging to the petitioner. The authorities are initiating steps to construct a septic tank before the petitioner's residence and in this regard, the petitioner submitted a representation.

3. The learned Government Advocate appearing on behalf of the respondents furnished a copy of the report submitted by the Village Administrative Officer wherein, the Inspector of Land Revenue has also signed the report. As per the said report, the petitioner has encroached upon the public land and more so, the petitioner has encroached the common pathway. Since the petitioner is an encroacher, the authorities have conducted a survey and initiated action to evict the petitioner from the encroached portion of the area.



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4. If at all the petitioner claims that she is the owner of the land and holding valid title, then the petitioner has to approach the competent Civil Court for establishing her ownership or title. The respondents have conducted a survey and found that encroachments are made in the common pathway. That being the case, the authorities competent are bound to remove the encroachments and utilize the common pathway for the use of the public.

5. With these directions, the writ petition is dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Neutral Citation : Yes/No

05.04.2023

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To:

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S.M. SUBRAMANIAM, J.

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