



W.P.No.38191 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.38191 of 2016

&

W.M.P.No.32737 of 2016

S.Sivanesan

... Petitioner

Vs.

1.Pethikuppam Village Panchayat
rep by its Special Officer
at Pethikuppam Village
Gummidipoondi Taluk
Thiruvallur District

2.The Tahsildar
Gummidipoondi Taluk
Gummidipoondi
Thiruvallur District

3.The Block Development Officer
Gummidipoondi Panchayat Union
Gummidipoondi

4.The District Collector
Thiruvallur District
Thiruvallur

5.Selvam

6.Motcharakkini

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus forbearing the respondents 1 to 4 from proceeding with any building construction activities but also to direct them to remove whatever constructions so far put up in the lands measruing 1842 sq.ft out of Acre 0.21 cents comprised in Old S.No.230/2A part and presently in New S.No.230/2A1B-PArt at Pethikuppam village, in Gummidipoondi Taluk, Thiruvallur District.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.R.S.Selvam, for R1 to 3

Mr.N.Naveen Kumar, G.A for R2 and 4

Mr.S.Gopi for R5

ORDER

Writ petition is filed seeking to issue a Writ of mandamus forbearing the respondents 1 to 4 from proceeding with any building construction activities but also to direct them to remove whatever constructions so far put up in the lands measruing 1842 sq.ft out of Acre 0.21 cents comprised in Old S.No.230/2A part and presently in New S.No.230/2A1B-PArt at Pethikuppam village, in Gummidipoondi Taluk, Thiruvallur District.

2. It is the case of the writ petitioner that the petitioner and the 6th



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respondent at the request of the Panchayat donated the land for the purpose of laying the road.

3. Accordingly, they executed a gift deed in favour of the Panchayat with the condition that land subject matter of gift has to be used only for the purpose of laying the road. However, recently, the 1st respondent Panchayat at the behest of 5th respondent starting to put up a construction in the area gifted. Therefore, the present Writ Petition has been filed.

4. Learned counsel appearing for the respondents filed a letter addressed by the 3rd respondent to the Village Panchayat President to conduct a survey and remove the illegal construction put up on the area which is the subject matter of gift in favour of the panchayat.

5. Considering the above letter dated 01.01.2022, the 3rd respondent has directed the 2nd respondent to conduct a survey and if any illegal construction has come up the same to be removed.

6. In such view of the matter, the 2nd respondent is directed to survey



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in the subject land and if any illegal construction is put up on the area which was gifted to the Panchayat for laying the road, the President of Panchyat shall remove the encroachments as per law within a period of three months.

7. Writ Petition is disposed of with the above directions.

Consequently, connected Writ Miscellaneous Petition is closed. No costs.

05.01.2023

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Index: Yes/No

To

1. The Special Officer
Pethikuppam Village Panchayat
at Pethikuppam Village
Gummidipoondi Taluk
Thiruvallur District

2. The Tahsildar
Gummidipoondi Taluk
Gummidipoondi, Thiruvallur District

3. The Block Development Officer
Gummidipoondi Panchayat Union
Gummidipoondi

4. The District Collector
Thiruvallur District
Thiruvallur



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N. SATHISH KUMAR, J.

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