



W.P.No.2185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2185 of 2023

M.Sengottuvelu

.. Petitioner

Vs

- 1.The District Collector,
District Collectorate,
Tiruchengode Road,
Namakkal District-637 003.
- 2.The District Revenue Officer,
O/o the District Revenue Officer,
Tiruchengode,
Namakkal District-637 505.
- 3.The Block Development Officer,
Vennandur Block,
Namakkal District-637 505.
- 4.The Tahsildar,
Rasipuram,
Namakkal District-637 505.



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5.The Panchayat President,
Semmandapatti Village Panchayat,
Vennandur Village,
Rasipuram Taluk,
Namakkal District-637 505.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the illegal encroachments made in the village public road from Semmandapatti Panchayat Union Primary School to Madheswaran Temple and public burial ground on the basis of the representation dated 22.11.2021 preferred to the respondents 1 to 4 and representation dated 27.09.2022 to the fifth respondent.

For the Petitioner : Mr.Su.Srinivasan

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvakumar
Spl. Government Pleader
for respondent Nos.1, 2 & 4

: Mr.P.Muthukumar
State Government Pleader
for respondent No.3

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Sengottuvelu, son of Munusamy of Semmandapatti Village,
Rasipuram Taluk, has filed this writ petition for issuance of a writ of



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mandamus directing the respondents to remove the illegal encroachments made in the village public road running from Semmandapatti Panchayat Union Primary School to Madheswaran Temple and the public burial ground.

2. Learned counsel for the petitioner submitted that there has been large number of encroachments made in the village public road running from Semmandapatti Panchayat Union Primary School to Madheswaran Temple and the public burial ground. Since the said public road is being used by the villagers for transportation of agricultural goods and the school going children for reaching the school, the encroachments made in the road are causing public nuisance. In this regard, on 22.11.2021, the petitioner has submitted a detailed representation to respondents 1 to 4.

3. Learned counsel for the petitioner further submitted that the petitioner also received a letter from the first respondent on 12.1.2022 stating that the representation of the petitioner was forwarded to respondents 3 and 4 to take appropriate action. Since



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no action was taken on the representation of the petitioner, the petitioner has submitted an application on 20.1.2022 to the first respondent under the provisions of the Right to Information Act, for which the petitioner received a reply dated 1.2.2022 to the effect that the first respondent had sought enquiry report from the fourth respondent, which is awaited. Therefore, the petitioner has been advised to file the present writ petition.

4. Learned State Government Pleader appearing for the third respondent, by placing on record the resolution of Semmandapatti Village Panchayat, dated 26.6.2020, submitted that a resolution has been passed by the Semmandapatti Village Panchayat to measure the encroachments made in Survey No.11 in Semmandapatti Village from Panchayat Union School to Madheswaran Temple and to remove the same immediately. Learned State Government Pleader would submit that respondents 3, 4 and 5 will jointly measure the public road in question and remove the encroachments within a stipulated period.



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5. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to respondents 3, 4 and 5 to jointly measure the road in question with the help of the jurisdictional surveyor and thereafter, remove the encroachments made in the village public road running from Semmandapatti Panchayat Union Primary School to Madheswaran Temple and the public burial ground, within a period of four weeks from the date of receipt of a copy of this of order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
01.02.2023

Index : No
Neutral Citation : No
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- 5.The Panchayat President,
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