



WEB COPY

W.P.(MD)No.4652 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD)No.4652 of 2023

S.Sasikala

... Petitioner

-VS-

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Paramakudi,
Ramanathapuram District.

4.The President,
Parthibanoor Village Panchayat,
Paramakudi Taluk,
Ramanthapuram District.

5.Fathima Jinnah, D/o.Kakool Hameed

6.Maideen Beevi, W/o.Kakool Hammed

7.Abdulkala Asad, S/o.Kakool Hammed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the



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respondents 1 to 4 to remove any unauthorized construction/encroachment in S.Nos.500/1 and 500/4 of Mela Parthibanoor Village, Paramakudi Taluk, Ramanathapuram District, made by the respondents 5 to 7, on the basis of the representations dated 05.01.2023 and 06.02.2023, within a stipulated time period in accordance with law.

For Petitioner	: Mr.C.Senthil Murugan
For R1 and R2	: Mr.K.Balasubramani Special Government Pleader
For R3 and R4	: Mr.P.T.Thiraviyam Government Advocate

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

With the consent of parties, the writ petition itself is taken up for final disposal.

2. Mrs.S.Sasikala, D/o. Shanmugam Chettiar has filed this writ petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to remove any unauthorized construction/encroachment in S.Nos.500/1 and 500/4 of Mela Parthibanoor Village, Paramakudi Taluk, Ramanathapuram District,



made by the respondents 5 to 7, on the basis of the representations dated 05.01.2023 and 06.02.2023, within a time frame.

3. Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 1 and Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents 3 and 4.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the residential plot in Survey No.500/5. According to the learned counsel, adjacent to the said plot, there is a street in Survey No.500/1 and Government poramboke land in Survey No.500/4. However, the private respondents encroaching upon the aforesaid street and poramboke land, have put up unauthorised construction. Despite the representation dated 06.02.2023 made by the petitioner in this regard to the official respondents to take appropriate action, till date, no action is taken by them. Learned counsel also produced the photographs and submitted that the same amply show that there are unauthorised construction by the private respondents in the street and



Government poramboke lands. Hence, he prayed for allowing this writ petition.

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5. Learned Government Advocate appearing for the respondents 3 and 4 submitted that the official respondents will consider and dispose of the representation of the petitioner dated 06.02.2023 and if there is any unauthorised construction by the private respondents, appropriate action will be taken within a time frame.

6. Recording the aforesaid submission, without expressing any opinion on the prayer sought for by the petitioner, we direct the official respondents to consider the representation of the petitioner dated 06.02.2023 on merits and in accordance with law. If there is any unauthorised construction by the private respondents as claimed by the petitioner, then the official respondents shall take appropriate action, after affording sufficient opportunity to all the parties concerned. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Petition is disposed

of. No costs.

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[T.R., A.C.J.] [D.K.K., J.]
03.03.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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and
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ORDER MADE IN
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DATED : 03.03.2023