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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.9021 of 2023 and
W.M.P.(MD)No.8185 of 2023

Selvaraj

... Petitioner

vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Thiruppathur Taluk, Sivagangai District.

3.The Block Development Officer (Village Panchayat),
Union Office, Thiruppathur,
Sivagangai District.

4.The President,
Ozhugamangalam Panchayat,
Thirupathur Taluk, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forebear the respondents herein from putting up any construction in Survey No.132/5, Ozhugamangalam, Thiruppathur Taluk, Sivagangai District especially in front of the petitioner's house based on the petitioner's representation, dated 10.04.2023.



For Petitioner :Ms.A.Banumathy
For R1 and R2 :Mr.J.Ashok
Additional Government Pleader
For R3 :Mrs.K.Christy Theboral
Additional Government Pleader
For R4 :Mr.P.Mahendran

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a restraint against the respondents from putting up any construction in S.No.132/5 at Ozhugamangalam, Thiruppathur Taluk, Sivagangai District, particularly, in front of the house of the petitioner. The petitioner has given a representation, dated 10.04.2023.

2.Heard Ms.A.Banumathy, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first and second respondents, Mrs.K.Christy Theboral, learned Additional Government Pleader for the third respondent and Mr.P.Mahendran, learned Counsel for the fourth respondent.

3.In the affidavit, the petitioner stated that the petitioner is residing at Ozhugamangalam, Thiruppathur Taluk, Sivagangai District. The land



in S.No.130/14 was classified as Natham and belongs to the Government.

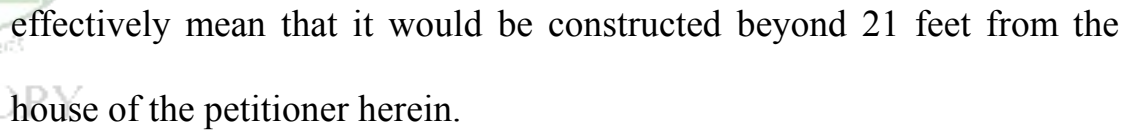
The petitioner and his brother has been in possession of the said land.

Thereafter, assignment patta has also been granted to the petitioner and his brother in the year 1993. There is land of about 1½ acres opposite to the house of the petitioner in S.No.132/5. In that particular place, the respondents had taken a decision to construct Panchayat Office. Claiming that the construction would obstruct the house of the petitioner, the present Writ Petition has been filed.

4.Pending the Writ Petition, a direction was issued to inspect the said place and to examine whether there has been obstruction to the house of the petitioner.

5.A report has been filed by the Tahsildar, Thirupathur Taluk, which would state that the petitioner had also encroached into the Government land.

6.Be that as it may, it had also been stated that at the distance of 7.3 meters, the Panchayat Office would be constructed. This would



8.The Writ Petition stands disposed of. No order as to costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes/No

26.04.2023

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- 3.The Block Development Officer (Village Panchayat),
Union Office, Thiruppathur,
Sivagangai District.



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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.9021 of 2023

26.04.2023