



WEB COPY



W.P.(MD)No.24531 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.24531 of 2023

S.Pillappan

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office, Kalayarkovil,
Sivagangai District.

2.The Block Development Officer,
Union Office, Kalayarkovil, Sivagangai District.

3.The President,
Kalayarkovil Village Panchayat,
Sivagangai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings No.43/2023-2024, dated 28.09.2023 issued by the 3rd respondent President (served to the petitioner on 28.09.2023) and all proceedings in furtherance thereof, quash the same as illegal and void and consequently, forbear the respondents from interfering with the peaceful possession and enjoyment of the petitioner property.



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For Petitioner : Mr.S.Rabeek Raja
For R1 & R2 : Mr.S.Kameswaran,
Government Advocate

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order passed by the 3rd respondent in proceedings dated 28.09.2023 is sought to be quashed in the present Writ Petition.

2.The petitioner states that he owns a land to an extent of 33 cents in S.No.75/47, Somasundaram Nagar, Kalayarkovil Village, Sivagangai. He has put up some cement hollow blocks to protect his portion of the land and the 3rd respondent removed the same without issuing any show cause notice to the petitioner and therefore, the impugned order passed by the 2nd respondent is liable to be quashed.

3.The learned Government Advocate appearing on behalf of the respondents 1 and 2 submitted photographs to establish that the petitioner put up some cement hollow blocks, thereby caused nuisance to the road users and the



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cement road has already been laid by the Panchayat for the benefit of the people residing in the locality. By abutting the pathway the petitioner has put up some cement hollow blocks.

4.The photographs submitted before us would reveal that there is no construction or otherwise but some blocks are laid by the petitioner on the road in order to encroach upon the public road. Therefore, we construed it as a nuisance created at the instance of the petitioner and therefore, there is no impediment to remove the same by invoking powers even under Section 131 of the Panchayat Act, 1994. It is the duty cast upon the Panchayat to maintain public road free from encroachments and nuisance for the benefit of the road users. That being the principles, we do not find any reason to interfere with the action taken by the 3rd respondent and consequentially, this Writ Petition stands dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)

10.10.2023

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

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AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The Tahsildar,
Taluk Office, Kalayarkovil,
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- 2.The Block Development Officer,
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