



W.P.(MD)No.24970 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.24970 of 2023

and

W.M.P.(MD)No.21164 of 2023

M.Rajaraaman

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The Tahsildar,
Gandharvakottai Taluk,
Pudukkottai District.

3.The Block Development Officer,
(Panchayat Union),
Gandharvakottai Taluk,
Pudukkottai District.

4.The President,
Gandharvakottai Panchayat,
Pudukkottai District.

5.C.Ranganathan

6.R.Chinnadurai

7.C.Maheswari

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in the Government Poramboke Natham land situated in Survey No.445/18 in Kovilur East Street, Gandharvakottai Village and Taluk, Pudukkottai District by considering the petitioner's representation dated 16.09.2023.

For Petitioner : Mr.I.Robert Chandrakumar

For R1 to R4 : Mr.T.Amjadkhan, Government Advocate

ORDER

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

The Writ Petition on hand has been instituted to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in the Government Poramboke Natham land situated in Survey No.445/18 in Kovilur East Street, Gandharvakottai Village and Taluk, Pudukkottai District by considering the petitioner's representation dated 16.09.2023.

2.The petitioner states that he has inherited the property in Survey No.445/20 in Kovilur East Street, Gandharvakottai Village and Taluk, Pudukkottai District from his grandfather, who constructed a house in the said plot.



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3. Adjacent to his house, there is a vacant land situated in Survey No.445/18 measuring 0.01.0 Ares ie., Government Natham land. The said land is classified as Natham Government Poramboke land. The 5th respondent, who is the retired Government employee from Agriculture Department, claims to be the owner of the said land in an illegal manner. The 6th respondent is the son of the 5th respondent, who is working in Sugar Mill. The 7th respondent is the daughter-in-law of the 5th respondent and wife of the 6th respondent. The 7th respondent is working as Grade – I Police Constable in Ganesh Nagar Police Station, Pudukkottai. By abusing the official position, the respondents 5 to 7 are illegally constructing the building in violation of building rules.

4. The learned counsel for the petitioner states that the petitioner secured information under RTI Act and came to know that no such building approval was granted for construction of building in the land under the occupation of the respondents 5 to 7. No patta was granted and the land has been classified as Natham.



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5.It is needless to state that the buildings are to be constructed by obtaining building plan approval from the competent planning authority. However, in the present case, the petitioner states that the respondents 5 to 7 are not even the owners of the land and more so, they are constructing the building unauthorizedly without obtaining any building plan approval from the competent authority. In view of the serious violations, the petitioner has submitted a representation to the respondents 1 and 2, which was not considered. Thus, the petitioner is constrained to move the present Writ Petition.

6.The learned Government Advocate appearing on behalf of the respondents 1 to 4, on instructions, has made a submission that the representation submitted by the petitioner to the District Collector, Pudukkottai / 1st respondent was forwarded to the Block Development Officer, Gandharvakottai Taluk, Pudukkottai District / 3rd respondent for submitting a report and the said issue is pending before the 3rd respondent.

7.In view of the facts and circumstances, the respondents 1 to 3 are directed to conduct a field inspection with reference to the revenue records and



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ascertain the illegal construction, if any put up by the respondents 5 to 7 and thereafter, initiate all appropriate actions by affording an opportunity to the petitioner as well as the respondents 5 to 7 for demolition of unauthorized construction or to evict the encroachers from the Natham land or otherwise. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

16.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1. The District Collector,
Pudukkottai District, Pudukkottai.

2. The Tahsildar,
Gandharvakottai Taluk,
Pudukkottai District.

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

3.The Block Development Officer,
(Panchayat Union),
Gandharvakottai Taluk,
Pudukkottai District.

4.The President,
Gandharvakottai Panchayat,
Pudukkottai District.

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