



WEB COPY



W.P.No.3654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.3654 of 2024

R.Rathinasamy .. Petitioner

v.

1. The District Collector
Tiruppur District
Tiruppur

2. The Revenue Divisional Officer
Tiruppur, Tiruppur District

3. The Tahsildar
Uthukuli
Tiruppur District

4. Mr.S.K.Gopinath .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to demolish the unauthorized construction R.S.No.362/13 in Sukka Gounden Pudur, Kavuthampalayam Village, Uthukuli Taluk, Tiruppur



W.P.No.3654 of 2024

District, as per the Advocate Commissioner Report filed in I.A.No.144 of 2020 in O.S.No.146 of 2020 on the file of Hon'ble District Munsif Court, Uthukuli in Tiruppur District.

For Petitioner :: Mr.S.Kaithamalai Kumaran

For Respondents :: Mr.G.Nanmaran
Special Government Pleader
for R1 to R3
Mr.G.L.Nelson Britto for R4

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed with a prayer to direct the respondents 1 to 3 to demolish the unauthorized construction put up in R.S.No.362/13 in Sukka Gounden Pudur, Kavuthampalayam Village, Uthukuli Taluk, Tiruppur District, as per the Advocate Commissioner's report filed in I.A.No.144 of 2020 in O.S.No.146 of 2020 on the file of Hon'ble District Munsif Court, Uthukuli in Tiruppur District.

2. The case of the petitioner is that the fourth respondent has put up construction in the public property without any authority. This fact is not in dispute.



W.P.No.3654 of 2024

WEB COPY

3. The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, states that on inspection it is found that the fourth respondent has put up unauthorized construction and a portion of the building measuring about 32 square meters in Survey No.362/13 had been encroached. It is further stated that after issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, final notice under Section 6 of the said Act also was issued to the fourth respondent. The fourth respondent appears to have given a representation stating that the unauthorized construction would be removed by him. It is now reported by the learned Special Government Pleader that while finding that a portion of the encroachment had been removed by the fourth respondent himself, the remaining encroachment in Survey No.362/13 had been removed as directed by this Court.

4. The fact that the alleged encroachment by the fourth respondent had been removed and the unauthorized construction had been demolished, this Court finds that no further order is necessary and therefore the writ



W.P.No.3654 of 2024

petition is disposed of by recording the statement of the counsels appearing for the petitioner and the respondents. The official respondents are directed to ensure that no further encroachment or unauthorized construction is put up by anyone including the fourth respondent in Survey No.362/13. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
04.06.2024

ss

To

1. The District Collector
Tiruppur District
2. The Revenue Divisional Officer
Tiruppur, Tiruppur District
3. The Tahsildar
Uthukuli, Tiruppur District



WEB COPY



W.P.No.3654 of 2024

S.S.SUNDAR,J.
AND

N.SENTHILKUMAR,J.

SS

W.P.No.3654 of 2024

04.06.2024