



WEB COPY

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W.P.No.11594/2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.11594 of 2020

Kalaiyarasan

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Petitioner

-VS-

- 1.The District Collector,
Office of the District Collectorate,
Nagapattinam – Post & District.
- 2.The District Children Welfare Development Officer,
Integrated Child Development Scheme,
Nagapattinam – Post & District.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.14, Perumal Sannathi Street,
Nagapattinam – 611 011.
- 4.The Municipal Commissioner,
Nagapattinam Municipality,
Nagapattinam – Post & District.
- 5.The Tahsildar,
Office of the Tahsildar,
Nagapattinam – Post & District.



6.The District Development Officer,
Integrated Child Development Scheme,
Nagapattinam – Post & District.

7.Karthikeyan

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing first respondent to take action and remove the encroachment made by seventh respondent in and around the Angawadi situated in Government land at New Ward No.33, Old Ward No.29, of Akkarai Kulam Village, Thenkarai Post, Nagapattinam District, based on the representation, dated Nil, made by the petitioner.

For Petitioner : Mr.D.Veerasekaran

For Respondents 1 to 3, 5 & 6 : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.A.Selvendran,
Special Government Pleader.

For Respondent 4 : Mr.P.Srinivas

For Respondent 7 : No Appearance

ORDER

(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this Writ Petition praying to direct first respondent to take action and remove the encroachment made by seventh respondent in and around the Angawadi situated in Government land at New Ward No.33, Old Ward



No.29, of Akkarai Kulam Village, Thenkarai Post, Nagapattinam District, based on his representation, dated Nil.

2. Though Court Notice has been served on seventh respondent and his name printed in the Cause List, none appears for him.

3. Various photographs, apart from pleadings, more-so, representation of the petitioner, would make it clear that there exists encroachment. While third respondent - District Environmental Engineer sent a letter, dated 02.06.2020, to fourth respondent - Municipal Commissioner to take action against seventh respondent for the encroachment, first respondent - District Collector sent a letter, dated 03.06.2020, to fifth respondent - Tahsildar, requesting him to conduct an inquiry and submit a report on the complaint of the petitioner. On 10.06.2020, second respondent – District Children Welfare Development Officer submitted a report to sixth respondent – District Development Officer, from which it is seen that there is an encroachment. During the lock-down declared in the Covid-19 time, seventh respondent has encroached upon the land in question. As stated supra, from the photographs, it is clear that there is an encroachment. However, to ascertain the exact encroachment and to remove the same, the authorities concerned herein are directed to inquire petitioner and seventh respondent and, in case of encroachment, remove the same within fifteen days, thereby passing orders on the representation of the petitioner. We make it clear that seventh respondent is empowered to question the final orders of the authority in the manner known to law



and shall not try to stall the proceedings at the stage of inquiry. The entire exercise shall be completed within a period of two months from the date of receipt of this order. The Tahsildar and the Municipal Commissioner are expected to conduct a joint survey and, after inquiry, take a decision in the matter. We also make it very clear that the authorities are to adhere to the mandatory directions given by the Madurai Bench of this Court in W.P.MD.No.16120 of 2023, dated 30.08.2023, failing which they will have to face the consequences. In case encroachments are found and encroachers resist their removal, necessary assistance may be taken by the authorities from local police for the said purpose.

4. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.14234 of 2020 is closed.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
04-01-2024

To

1.The District Collector,
Office of the District Collectorate,
Nagapattinam – Post & District.



- 2.The District Children Welfare Development Officer,
Integrated Child Development Scheme,
Nagapattinam – Post & District.
- 3.The District Environmental Engineer,
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- 6.The District Development Officer,
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