



W.P. No.17336 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17336 of 2024

M.Neelavathi

....Petitioner

..Vs..

1.The District Collector,
Collectorate Campus, Tirupur District-641 604.

2.The Block Development Officer,
Pongalur Panchayat Union,
Tirupur District-641 667.

3.The Executive Officer,
Thonguttipalayam Village Panchayat,
Tirupur District-641 665.

4.P.Boopathi

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 2 and 3 to conduct a joint field inspection at Site Numbers 26 to 29 in survey Numbers 603 and 604 at Iswarya Nagar Lay out, Thonguttipalayam Village, Tirupur



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District and to forthwith remove the concrete floor constructed by the 4th respondent on the public road abutting the petitioners house by blocking the free flow of drainage water after considering the representation of the petitioner dated 07.06.2024 in accordance with law and on merits expeditiously within a time frame fixed by this Honourable Court and pass orders accordingly.

For petitioner	: Mr. R. Praabakar
For Respondents	: Mr.A.M.Ayyadurai for R1 (Govt. Advocate)
	: Mr.V. Ramesh for R2 and R3 (Govt. Advocate)
	: Mr. V.Anandhamurthy for R4

ORDER

This Writ petition has been filed seeking for a Writ of Mandamus directing the respondents 2 and 3 to conduct a joint field inspection at Site Numbers 26 to 29 in survey Numbers 603 and 604 at Iswarya Nagar Lay out, Thonguttipalayam Village, Tirupur District and to forthwith remove the concrete floor constructed by the 4th respondent on the public road abutting the petitioners house by blocking the free flow of drainage water after considering the representation of the petitioner dated 07.06.2024 in accordance with law and on merits expeditiously within a



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time frame fixed by this Honourable Court and pass orders accordingly.

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2. The learned counsel for the petitioner submits that the petitioner is a resident at Site No.28 and 29 in Survey Numbers 603 and 604 at Iswarya Nagar Lay out, Thonguttipalayam Village Panchayat, Tirupur District and is living with her family in the aforesaid house peacefully without any hindrance or whatsoever since its construction for more than 15 years. The adjacent Site No.27 belong to the petitioner's sons Maya Kannan and Elango who were residing in abroad and the petitioner is maintaining and taking care of the vacant sites of her sons.

3. It has been further submitted by the learned counsel for the petitioner that the 4th respondent has constructed his house in the adjoining Site No.26 which is next to petitioner's son Site No.27. During the month of May, the 4th respondent has constructed a concrete floor on the panchayat road lying in Ward No.1 of 3rd respondent Thonguttipalayam Village Panchayat by blocking the road on one side thereby obstructing the free flow of drainage water and rain water in the drain water storm. The 4th respondent has completely damaged the panchayat road laid in front of



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petitioner house and laid a concrete floor and dug a pit beneath the soil lying under the road. Further, the 4th respondent had erected a pipeline for letting out the waste sewage water collected from his house by reducing the width of the panchayat road thereby causing nuisance to petitioner and restricting petitioner's right of free ingress and egress into her house.

4. The learned counsel for the petitioner further submits that the underground pipeline erected by 4th respondent on the pathway and it runs through the front entrance gate close to the compound wall of petitioner house. The pipeline carries the waste sewage water from the 4th respondent's house drainage is now spilled over every where and the same is stagnated in front of petitioner's house causing disturbance to her. The entire place has become a potential breeding place for mosquitoes.

5. It has been further submitted by the learned counsel for the petitioner that the 3rd respondent Panchayat officials on an earlier occasion during the year 2023, when the 4th respondent had attempted to block the panchayat road and was about to lay a concrete floor abutting petitioner's house by constructing a pit for passage of drainage water, the 2nd and 3rd



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respondents were informed about the same. At that time, the Assistant Director (Panchayats), Tirupur had directed the 2nd respondent to cause an inspection into the above area and to take further steps based on the inspection report. Till date no such inspection was conducted by the 2nd respondent for the reasons best known.

6. The learned counsel for the petitioner further submits that the stagnated drain water has resulted in an unhealthy atmosphere and dirtied environment in front of petitioner's house causing serious health hazards to petitioner and her family members. Hence, the petitioner has sent a detailed representation to the official respondents 1 to 3 on 07.06.2024 by RPAD requesting them to consider her grievance and take appropriate steps forthwith to remove the concrete floor constructed by the 4th respondent by blocking the public road causing hindrance to free flow of drainage water. Despite receipt of her representation and having duly acknowledged the same they do not take any immediate action in this regard till date. Hence the petitioner has approached this Court by way of the present Writ Petition seeking for her relief as prayed therein.



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7.The learned Government Advocate appearing for the respondents 1 to 3 submitted that according to G.O.Ms.No.540 Revenue (LD6(2)) Department dated 04.12.2014 issued as per orders dated 11.08.2014 of this Hon'ble Court at Madras, in W.P.No.26722/2013 and in M.P No.26722/2013 dated 08.10.2014, any person unauthorisedly occupying any land may be summarily evicted by Tahsildar concerned by serving such notice in the manner prescribed under section 7 and 6 of Tamil Nadu Land Encroachment Act 1905.

8.It has been further submitted by the learned Government Advocate appearing for the respondents 1 to 3 that in this regard, the 3rd respondent has requested the Tahsildar, Tiruppur South Taluk, in her letter No.1/2024 dated 05.07.2024 to take necessary action to evict the unauthorized encroachments made by the 4th respondent in front of site Nos.26, 27, 28 and 29 at KNS Garden, Iswarya Nagar, Pollikalipalayam, Thonguttipalayam Panchayat, Tiruppur South Taluk Tiruppur District and informed the same to this petitioner also. Hence, the Writ petition is liable to be dismissed.



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9. Heard both sides and perused the material available on
record.

10. Having considered the facts and circumstances and submissions made by both side counsel, it is seen that the 4th respondent unauthorisedly has occupied the land which causes disturbance to the petitioner. Further, in this regard, the 3rd respondent has requested Tahsildar to evict the unauthorized encroachments made by 4th respondent vide letter No.1/2024 dated 05.07.2024 and the respective officials to proceed in the manner known to law.

11. In view of the submissions made by the Government Advocate, the Writ Petition is closed.

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Index : Yes/No

Internet: Yes/No

Lbm

To

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V.BHAVANI SUBBAROYAN, J.,

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