



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 05-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33540 of 2019

S.Venkatesh

...

Petitioner

-VS-

1.The Tahsildar,
Modakurichi Taluk,
Erode District.

2.The Block Development Officer,
Modakurichi Panchayat Union,
Erode District.

3.The Special Officer,
Ganapathipalayam Village Panchayat,
Ganapathipalayam.

3.G.Rajasekar

4.R.Chinnasamy

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the obstructions and encroachment made in S.F.No.686, 687, 709-1, 723-1 of Punjai Kalamangalam Village in Thalamadai Panchayat Road by exercising power under Section 131 of Tamil Nadu Panchayats Act,1994, by considering the petitioner's representation, dated 07.11.2019.



For Petitioner : Mr.R.Prabakar

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

For Respondents 4 & 5 : No appearance

ORDER

(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this Writ Petition praying to direct respondents 1 to 3 to remove the obstructions and encroachment made in S.F.Nos.686, 687, 709-1 and 723-1 of Punjai Kalamangalam Village in Thalamadai Panchayat Road by exercising power under Section 131 of Tamil Nadu Panchayats Act,1994, by considering his representation, dated 07.11.2019.

2. When the matter is taken up for hearing, Mr.A.Selvendran, Special Government Pleader, appearing for the official respondents, has submitted that the authorities will conduct an inquiry into the matter, apart from spot survey.

3. In view of the submission made by the learned Special Government Pleader, the respondent authorities are directed to conduct an inquiry into the matter, apart from spot survey, and, after hearing all the parties, who are likely to be affected,



including the petitioner, take a decision within two months from the date of receipt of this order. If the matter is not concluded within the time stipulated, it is open for the aggrieved person to file contempt against the officials and it is for the Court to decide, at that stage, whether there is wilful and deliberate disobedience of the orders of this Court.

4. We 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.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.Nos.33999 and 34001 of 2019 are closed.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
05-01-2024

To

1.The Tahsildar,
Modakurichi Taluk,
Erode District.

2.The Block Development Officer,
Modakurichi Panchayat Union,
Erode District.



3.The Special Officer,
Ganapathipalayam Village Panchayat,
Ganapathipalayam.



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AND
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dixit

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