



W.P.(MD) No.125 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.125 of 2024
and W.M.P.(MD)No.155 of 2024

Gowri

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Campus,
Theni District,
Theni.
- 2.The Assistant Director of Panchayats,
Collectorate Campus,
Theni District,
Theni.
- 3.The Block Development Officer,
Mayiladumparai Panchayat Union,
Theni District.



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4.The Block Development Officer,
(Village Panchayat),
Mayiladumparai Panchayat Union,
Theni District.

5.The Tahsildar,
Taluk Office,
Aundipatti Taluk,
Theni District.

6.P.Veluchamy

7.Paneerselvam

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to take necessary appropriate action against the respondents No. 6 and 7 for violation of Panchayat Rules and also for encroaching a portion of the public pathway, meant for the beneficial usage of the general public comprised in Survey No. 281/2A1A situated at Vallalnathi Hamlet of Kandamanur Village, Aundipatti Taluk, Theni District based on the petitioner's representation dated 27.12.2023.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 & R2



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this Writ Petition styled as a Public Interest Litigation, seeking for a direction to the respondents 1 to 5 to take necessary appropriate action against the respondents Nos. 6 and 7 for violation of Panchayat Rules and also for encroaching a portion of the public pathway, meant for the beneficial usage of the general public comprised in Survey No. 281/2A1A situated at Vallalnathi Hamlet of Kandamanur Village, Aundipatti Taluk, Theni District based on the petitioner's representation dated 27.12.2023.

2. When the matter was taken up for consideration, the learned Government Pleader appearing for the official respondents, on instructions, submitted that the property in question has been classified as 'Natham land', wherein the respondents 6 and 7 have constructed a community hall. He further submitted that now the construction work has been stopped by the respondents.



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3. Considering the facts and circumstances of the case, we are of the view that when the property in question has been classified as 'Natham land', the respondents 6 and 7 cannot have any legal right to construct a community hall, which is used for non-residential purpose, in the aforesaid property. However, recording the submission of the learned Government Pleader appearing for the official respondents that now the construction work has been stopped, we direct the respondents to take further action for removal of encroachment in the property in question by following due process of law, after providing opportunity to the respondents 6 and 7 as well as to the parties concerned.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

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Neutral Citation: Yes / No
Index : Yes / No
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