



W.P(MD)No.8500 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.8500 of 2021

K.Ramanathan
Petitioner

...

vs.

- 1 The Secretary to Government.,
(Rural Development and Panchayat Raj Department,,
Chief Minister Cell,
Fort. St.George,
Chennai- 600 009.
- 2 The District Collector,
Collectorate,
Sivagangai,
Sivagangai District
- 3 The Director / Commissionerate,
Municipalities and Panchayat Administration,
11th FLR. Urban Administrative BLDG,
(Opp.CIBA BLDG),
No.75, Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.
- 4 The Assistant Director,
Administration of Town Panchayat and Union Offices,
Sivagangai, Sivagangai District.



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5 The Tahsildar,
Taluk Office, Thiruppathur,
Sivagangai District.

6 The Executive Officer,
Nerkuppai Town Panchayat Office,
Nerkuppai,
Sivagangai District.

7 Aravind,
8 Sethur

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 6 herein to remove the illegal encroachment and unauthorized construction made by the 7th and 8th respondents in Survey No.146/1 and 146-2 having extent of 80 cents situated at Muranikalam, Nerkuppai Group and Village, Tiruppathur Taluk, Sivagangai District, based on the petitioner's representation, dated 09.03.2021, within a stipulated time fixed by this Hon'ble Court.

For Petitioner	: Mr.S.Muthukumar
For R-1 to R-6	: Mr.S.P.Maharajan, Special Government Pleader
For R-7 & R-8	: Mr.Maharaja

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 2 to 6 herein, to remove the illegal encroachment and unauthorized construction made



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by the 7th and 8th respondents in Survey Nos.146/1 and 146-2 having an extent of 80 cents situated at Muranikalam, Nerkuppai Group and Village, Tiruppathur Taluk, Sivagangai District, based on the petitioner's representation, dated 09.03.2021, within a stipulated period.

2. According to the petitioner, on 09.03.2021, he made a representation before the authorities seeking to remove the unauthorized construction put up by the respondents 7 and 8. Since no action has been taken by the authorities, he has filed this writ petition with the aforesaid prayer.

3. The sixth respondent has filed a counter affidavit stating that they have not given any approval for the respondents 7 and 8 to construct a building in Survey Nos.146/1 and 146-2 having extent of 80 cents situated at Muranikalam, Nerkuppai Group and Village, Tiruppathur Taluk, Sivagangai District.

4. In view of above, the sixth respondent panchayat is directed to take necessary action to take necessary action for removal of unauthorized construction put up by the respondents 7 and 8, by



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following the procedure contemplated under law, after providing opportunity to all the parties concerned. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No Costs.

[D.K.K.,J.] [R.V.,J.]
25.03.2024

NCC : Yes / No
Index : Yes / No
PM



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To

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WEB COPY



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and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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DATED : 25.03.2024