



W.P.(MD) No.11663 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

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

**W.P.(MD)No.11663 of 2018
and
W.M.P(MD)No.10615 of 2018**

P.Saravanan

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Aundipatti,
Theni District.

3.The Block Development Officer,
K.Myladumparai,
Theni District.

4.Muthukalai

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3, to prevent the fourth respondent from putting up any construction in the form of house by encroaching 3 ½ meters in the common passage connecting the parallel roads as well as the east and west parallel roads in the same ratio of 3 ½ meters at Survey Nos.1663/26, 1662 and 1666 of Alanthalir,



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Kadamalaigundu Village, Aundipatti Taluk, Theni District in pursuance of the petitioner's representation dated 23.04.2018 and thereby make the said passage bearing Survey No.1663/26, 1662 and 1666 of the said village to be free for the usage of the general public, road users, bullock cart users and vehicular traffic forthwith.

For Petitioner	:Mr.S.Palani Velayutham
For R-1 & R-2	:Mr.S.P.Maharajan, Special Government Pleader
For R-3	:No Appearance
For R-4	:Mr.R.Karthick Rajan

ORDER

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

The petitioner has filed this writ petition seeking for a direction to the respondents 1 to 3, to prevent the fourth respondent from putting up any construction in the form of house by encroaching 3 ½ meters in the common passage connecting the parallel roads as well as the east and west parallel roads in the same ratio of 3 ½ meters at Survey Nos. 1663/26, 1662 and 1666 of Alanthalir, Kadamalaigundu Village, Aundipatti Taluk, Theni District, in pursuance of the petitioner's representation, dated 23.04.2018 and thereby, make the said passage bearing Survey Nos.1663/26, 1662 and 1666 of the said village, to be free for the usage of the general public, road users, bullock cart users and vehicular traffic forthwith.



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2. According to the petitioner, the fourth respondent has constructed an unauthorized construction in the petition mentioned place.

3. However, the learned counsel appearing for the fourth respondent would inform that the entire construction has been completed as per the approved plan.

4. We have heard the learned counsel appearing on either side and perused the photographs produced before this Court.

5. In view of the submissions made on either side, the third respondent/Block Development Officer, K.Myladumparai, Theni District, is directed to inspect the property in question, within a period of four weeks from the date of receipt of a copy of this order, to verify as to whether any violation of Rules or approved plan and if there is any violation, necessary action shall be taken against the fourth respondent. Such exercise shall be completed within a period of three months thereafter.



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6. With the above directions, this writ petition is disposed of.

No Costs. Consequently, connected Miscellaneous Petition is closed.

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

12.02.2024

Neutral Citation: Yes / No

Index : Yes / No

PM

To:

- 1.The District Collector,
Theni District,
Theni.
- 2.The Tahsildar,
Aundipatti,
Theni District.
- 3.The Block Development Officer,
K.Myladumparai,
Theni District.



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and
R.VIJAYAKUMAR, J.

PM

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