

(2018) 01 MAD CK 0511
In the Madras High Court
Case No : 23226 of 2017

K.Rajendran

APPELLANT

Vs

The District Collector & Ors.

RESPONDENT

Date of Decision : 08-01-2018

Acts Referred:

Citation : (2018) 01 MAD CK 0511

Hon'ble Judges : M.Sathyanarayanan, R.Hemalatha

Bench : Division Bench

Advocate : A.Saravanan, A.Muthukaruppan, R.Anandharaj, G.Ganeshkumar,
R.J.Karthick

Final Decision : Disposed Off

Judgement

1. By consent, the main writ petition itself, is taken up for final disposal.
2. The petitioner claims to be Ex-councilor of 3rd Ward of Thondi. He came forward to file this Writ Petition styled as "Public Interest Litigation".
3. It is the case of the petitioner that in order to accommodate the persons, who affected by natural causes such as cyclone etc., he made arrangements to build houses under the Government Tsunami Scheme and tenements have also been built by spending a sum of Rs.3 1/2 crores and the said tenements are located at A.Manakudi Village, near Thondi. The respondents 5 to 23 were identified as beneficiaries and they were allotted houses and despite that, the respondents 5 to 23 continued to squat over the land by way of encroachment, without shifting their residence to the houses built under the Government Tsunami Scheme in Survey Nos.49, 50, 50/4,51 at Muni Iyaa Kovil Street, Pudukudi, Thondi.
4. The petitioner would further aver that the private respondents 5 to 23 without

shifting the residence, continued to squat over the land and also leased out the said tenements in favour of the third parties and started gaining undue pecuniary advantages. The petitioner in this regard, has submitted a representation dated 24.05.2017 and yet another representation dated 04.12.2017 to the official respondents for removal of encroachment and despite the receipt and acknowledgment, no steps have been taken to do the said lawful exercise and therefore, he is constrained to approach this Court by filing this Writ Petition.

5. The learned counsel appearing for the petitioner would draw the attention of this Court to the typed set of documents and would submit that though the private respondents 5 to 23 have been identified as beneficiaries and they were allotted houses and despite that, they continued to squat over the land by way of encroachment without shifting their residence to the houses built under the Government Tsunami Scheme and despite the representations drawing the attention of the official respondents as to the said illegal act, they failed to invoke any kind of response and therefore, the petitioner is constrained to file this Writ Petition.

6. The learned counsel appearing for the fourth respondent/ Executive Officer, Thondi Panchayat, would submit that the fourth respondent has sent a communication to the third respondent requiring the assistance to survey and measure the lands and the said process is yet to be completed and depending upon the same, the fourth respondent would take appropriate action for removal of encroachment.

7. The learned counsel appearing for the private respondents would submit that the petitioner, who is an Ex-councilor with an oblique motive, targeting the private respondents and therefore, the Writ Petition filed by him cannot be categorised as "Public Interest Litigation" and hence, prays for dismissal of this Writ Petition with exemplary costs.

8. This Court heard the rival submissions and perused the materials placed before it.

9. Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representations, directs the third respondent to act on the

communication of the fourth respondent dated 11.12.2017 in

Na.Ka.No.105/2017 and with the help of the jurisdictional Surveyor to cause inspection of Survey Nos.49, 50, 50/4,51 at Muni Iyaa Kovil Street, Pudukudi, Thondi, Ramanathapuram District, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the fourth respondent and depending upon the result of the said Report, the fourth respondent after putting the encroachers including the private respondents 5 to 23 on notice, shall take further action on merits and in accordance with law, within a further period of twelve weeks thereafter and communicate the decision taken, to the petitioner, private respondents 5 to 23 as well as other encroachers.

10. The Writ Petition stands disposed of accordingly. No costs.

11. The Registry is directed to mark a copy of this order to the Taluk Surveyor, Thiruvadanai Taluk, Ramanathapuram District.