



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.7222 of 2016

P.Ramesh

.. Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Palani Taluk, Dindigul District.

4. M.Alamarathan

.. Respondents

Praye: The Petition is filed under Article 226 of the Constitution of India, to issue a To issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Survey No.1325/2 situated at East Ayakudi Village Palani Taluk Dindigul District by considering the petitioners representation dated 29.02.2016.

For Petitioner: Mr.K.Gokul

For R1 to R3 : Mr.S.Kumar

Additional Government Pleader

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Alleging encroachment made by the fourth respondent, in Survey No.1325/2, situated at East Ayakudi Village, Palani Taluk, Dindigul District, a representation dated 29.02.2016 is stated to have been made. Contending *inter alia* that there is no action, Mandamus is sought for to remove the alleged encroachment by considering the representation of the petitioner, dated 29.02.2016.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Government have issued G.O.Ms.No.540, Revenue (LD6(2)) Department, dated 04.12.2014 set out the guidelines for dispose of



the grievance relating to eviction of encroachments in Government lands.

4. Procedure set out is extracted hereunder:-

"(i) This Committee shall admit only the Appeal Petitions on eviction of encroachment either on the ground of failure on the part of Tahsildar to give reply within 60 days or if the petitioner is not satisfied with the reply given or action taken by the Tahsildar.

(ii) The Appellate Committee shall be constituted with the following officials:

- 1) Revenue Divisional Officer;
- 2) Deputy Superintendent of Police; and
- 3) Deputy Inspector of Survey.

(iii) This Committee shall meet at least once in a month and decide each and every case individually after giving an opportunity for the petitioner to be heard. The Committee shall also take up personal inspection, if required, along with Tahsildar and Surveyors, after giving advance intimation to the petitioner.

(iv) A written communication should be sent to the petitioner conveying the decision of the above Appellate Committee within 30 days from the date of receipt of the Appeal Petition."

4. Representation has been made only on 29.02.2016. As per the procedure set out, the Tahsildar has to complete the process within 60 days from the date of receipt of the petition. Even that time, has not been expired. As per the said Government Order, if the petitioner is not satisfied with the reply or action taken by the Tahsildar, remedy before the appellate authority at the District Level is provided to ventilate the grievance relating to encroachment.

5. In the light of the above procedure and the reasons stated supra, we are not inclined to issue any writ of Mandamus. Petitioner is at liberty to work out his remedy, as per the procedure set out in G.O.Ms.No. 540, Revenue (LD6(2)) Department, dated 04.12.2014.

6. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

Madurai Bench of Madras High Court,
Madurai.



rgj2

To

1. The District Collector,
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,
Palani, Dindigul District.

3. The Tahsildar,
Palani Taluk, Dindigul District.

+1 cc to Mr.K.Gokul,Advocate Sr No.20731

+1 cc to Special Government Pleader Sr No.21069

rg.GSV-PM/SAR-III 04.05.2016 3P/6C

W.P. (MD) No.7222 of 2016
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