



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.134 of 2017

Periyasamy

.. Petitioner

Vs.

1.The State rep. by
the District Collector,
District Collectorate,
Dindigul District.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul.

3.The Commissioner,
Dindigul Panchayat Union,
Dindigul.

4.Saraswathi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second and third respondents to evict the encroachment made by the fourth respondent in Dindigul District, Dindigul East Taluk, Thottanoothu Village in S.F.No.94/1 based on the petitioner's representations dated 19.09.2016 and 27.12.2016 within the time frame as fixed by this Court.

For Petitioner

: Mr.S.Karthik Subramanian

For Respondents 1 and 2

: Mr.R.Velmurugan,
Government Advocate.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the second and third respondents to remove encroachments alleged to have been made by the fourth respondent in S.F.No.94/1, Thottanoothu Village, Dindigul East Taluk, Dindigul District, by way of issuing a writ of mandamus.



2.It is averred in the petition that the petitioner is a resident of Thottanoothu Village, wherein S.F.No.94/1 has been classified as Natham Poromboke. The fourth respondent has made certain encroachments. Under the said circumstances, representations have been given on 19.09.2016 and also on 27.12.2016. But the concerned authority has not taken any steps and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents 1 and 2. The learned Standing Counsel appearing for the third respondent is not present.

4.Considering the nature of the relief sought in the writ petition and also considering the fact that S.F.No.94/1 has been classified as Natham Poromboke, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the third respondent viz., Commissioner, Dindigul Panchayat Union is strictly directed to take appropriate proceeding if there is any objectionable encroachment in S.F.No.94/1 and evict encroacher (s) under due process of law within a period of two months.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
District Collectorate, Dindigul District.

2.The Tahsildar,
Dindigul East Taluk, Dindigul.

3.The Commissioner,
Dindigul Panchayat Union, Dindigul.

+1 cc to M/s.S.Karthik Subramanian, Advocate in SR.No.767
+1 cc to M/s.Special Government Pleader in SR.No.874

smn

CSL/AM1/12.01.2017 :2P-6C