



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.15515 of 2017

and

W.M.P (MD) No.12276 & 12277 of 2017

WEB COPY

Sankar @ Jaisankar

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk, Dindigul District.

4.The Commissioner,
Nilakottai Panchayat Union,
Nilakottai, Dindigul District.

5.The Block Development Officer,
(Village Panchayat),
Nilakottai Taluk, Dindigul District.

6.The Revenue Inspector,
Nilakottai Taluk, Dindigul District.

7.The Executive Officer,
Ammanayakkanur Town Panchayat,
Nilakottai Taluk, Dindigul District.

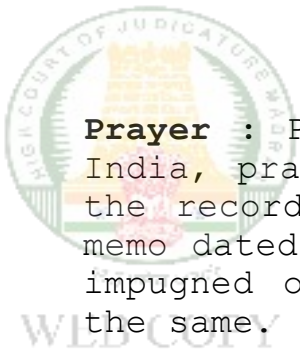
8.The Deputy Superintendent of Police,
Nilakottai Taluk, Dindigul District.

9.The Inspector of Police,
Ammanayakkanoor Police Station,
Dindigul District.

10.P.Krishnan

11.S.C.Nirmala Grace,
The Tahsildar,
Nilakottai Taluk, Dindigul District.

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records from the third respondent relating to the impugned memo dated 09.08.2017 in Na.Ka.No.9074/16/A1 and the consequential impugned order dated 11.08.2017 in Na.Ka.No.9074/17/A1 and quash the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Govindan,
Spl.Govt.Pleader for RR1 to 3

Mr.M.Rajarajan for R7

Mr.Niranjan S.Kumar for R10

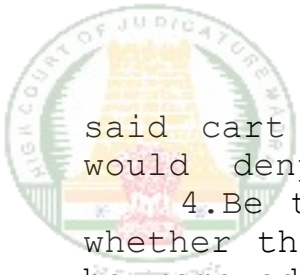
O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner challenges the order dated 11.08.2017 and 09.08.2017 issued by the Tahsildar, Nilakkottai proposing removal of the encroachments in Survey Nos.527/9 and 525/3 in Sadaiyandipuram Village, Nilakkottai Taluk, Dindigul District.

2.It is seen from the affidavit filed by the writ petitioner that there is a serious civil dispute going on between the writ petitioner and the 10th respondent. The 10th respondent had also filed WP(MD)No.23948 of 2016 praying for removal of the encroachments in Sillodai running in Oruthattu village. Even though the writ petitioner herein was shown as 9th respondent in the said writ petition, the writ petition came to be allowed without notice to him. The resultant action came to be challenged in WP(MD)No.10356 of 2017. Thereupon, this Court by order dated 09.06.2017 made it clear that the Revenue Authorities will pass orders uninfluenced by any of the observations made in the order dated 14.12.2016 in WP(MD)No.23948 of 2016. This Court by order dated 09.06.2017 directed conducting a fresh enquiry and re-survey of the property. The writ petitioner has enclosed the "A" Register of the village which indicates that contrary to what was projected by the 10th respondent, survey No.527/9 is a cart track. Similarly, Survey No.561 is also a cart track.

3.The grievance of the writ petitioner is that this is the only access to his land in Survey No.525. The writ petitioner would allege that the 10th respondent is having an eye on his land in Survey No.525. In order to compel the writ petitioner to part with his land, the 10th respondent has to do away with the cart track. That is why he has stated that the cart track is a channel. The writ petitioner also produced photograph of the



said cart track. The counsel for the 10th respondent however would deny the said allegation.

4. Be that as it may, we make it clear that the encroachments whether they are in the cart track or in the channel will have to be removed. But, under the guise of removing the encroachments, the authorities shall not alter the character of the cart track.

5. We reiterate that what was shown as cart track in the revenue records will have to be maintained as cart track. Whatever is shown as Odai still be maintained as Odai. Merely because Survey Nos. 527/9 and 561 have been included in WP (MD0No. 23948 of 2016 and described as a Odai, the revenue authorities will not do anything to alter the character of the cart track. As already submitted, encroachments if any committed thereon, the same can be removed.

6. This writ petition is disposed of with the above clarification and direction. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Dindigul District.
 2. The Revenue Divisional Officer, Dindigul District.
 3. The Tahsildar, Nilakottai Taluk, Dindigul District.
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 8. The Deputy Superintendent of Police, Nilakottai Taluk,
Dindigul District.
 9. The Inspector of Police,
Ammanayakkanoor Police Station, Dindigul District.
- +1cc to M/S.T.R. JEYAPALAM, Advocate SR.No.75916
+1cc to Special Government Pleader, SR.No.76234

skm/Arul

MAS/KK/SAR1:25.09.2017:3P-12C

**W.P (MD) No. 15515 of 2017
and**

**W.M.P (MD) No. 12276 &
12277 of 2017
01.09.2017**