



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.191 of 2017

Dhandapani

.. Petitioner

Vs.

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

2.The Tahsildar,
Dindigul West Taluk,
Dindigul.

3.The Block Development Officer
(Village Panchayat),
Reddiyarchatram Panchayat Union,
Reddiyarchatram, Dindigul District.

4.Velappanaicker

.. 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 West Taluk, Palakkanoothu Village in S.F.No.243/3 based on the petitioner's representation dated 15.11.2016 within the time frame as fixed by this Court.

For Petitioner

: Mr.D.Ponventhan

For Respondents 1 and 2

: Mr.R.Velmurugan,
Government Advocate.

For Respondent No.3

: Mr.A.Muthukaruppan,
Additional Government Pleader.

**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 respondents 1 to 3 to remove encroachments alleged to have been made by the fourth respondent in S.F.No.243/3, Palakkanoothu Village, Dindigul District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Ondivadannaickenpatty, Dindigul West Taluk, Dindigul District. Further it is averred in the petition that in Palakkanoothu Village Survey No.243/3 has been classified as a graveyard and the fourth respondent has made certain encroachments in it and therefore a representation has been given on 15.11.2016 to the concerned authorities. But the concerned authorities have 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 and Mr.A.Muthukaruppan, learned Additional Government Pleader, has taken notice for the third respondent. Considering the nature of the relief sought in the writ petition and also considering the fact that already a representation has been given on 15.11.2016, notice need not be sent to the fourth respondent.

4.The main averment made in the writ petition is that in Palakkanoothu Village Survey No.243/3 has been classified as graveyard. But the fourth respondent has encroached the same.

5.Considering the nature of classification of S.F.No.243/3 and also considering the main allegation made in the petition, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the respondents 1 to 3 are strictly directed to remove encroachments alleged to have been made by the fourth respondent in S.F.No.243/3 in Palakkanoothu Village within a period of two months after giving proper opportunities under law to the persons concerned.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.dindigul.gov.in/hcservices/>
District Collector,
District Collectorate, Dindigul District.



2.The Tahsildar,
Dindigul West Taluk,
Dindigul.

3.The Block Development Officer
(Village Panchayat),
Reddiyarchatram Panchayat Union,
Reddiyarchatram, Dindigul District.

+1 cc to The Special Government Pleader in SR.No.1353

+1 cc to M/s.D.Ponventhan, Advocate in SR.No.1754

smn

CSL/PM-AMI/25.01.2017 :3P/6C

ORDER MADE IN
W.P (MD) No.191 of 2017
06.01.2017