



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2017

CORAM:

WEB COPY

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

W.P (MD) No.3149 of 2017

R.Arputham

.. Petitioner

**Vs.**

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

2. The Tahsildar,  
Dindigul East Taluk,  
Dindigul District..

3. The Block Development Officer  
(Village Panchayats),  
Office of Panchayat Union,  
Sanarpatti,  
Dindigul District.

.. 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 respondents No.1 to 3 to evict the encroachment made in the pond situated in Dindigul District, Dindigul East Taluk, T.Panchapatty Village, in S.F.No.438 by considering the petitioner's representation dated 27.12.2013 and in the light of forwarding letter sent by the third respondent to the second respondent dated 08.01.2014 within stipulated time.

|                         |                                                        |
|-------------------------|--------------------------------------------------------|
| For Petitioner          | : Mr.S.Karthick Subramanian                            |
| For Respondents 1 and 2 | : Mr.D.Muruganandam,<br>Additional Government Pleader  |
| For Respondent No.3     | : Mr.S.Sadeesh Kumar,<br>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 to remove encroachments which are in existence in S.F.No.438, T.Panchapatty



Village, Dindigul East Taluk, Dindigul District, by way of issuing a writ of mandamus.

2. Mr. D. Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 and 2 and Mr. S. Sadeeskumar, learned Additional Government Pleader, has taken notice for the third respondent.

3. It is seen from the records that S.F.No.438 has been classified as a tank. The main contention put forth on the side of the petitioner is that in S.F.No.438 certain encroachments are in existence.

4. Considering the nature of classification made in respect of S.F.No.438 and also considering the main contention put forth on the side of the petitioner, this writ petition can be allowed.

5. In fine, this writ petition is allowed without costs and the respondents 2 and 3 are directed to conduct proper survey in respect of S.F.No.438 and if there is any encroachment remove the same under due process of law within a period of two months.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

**To**

1. The District Collector,  
Collectorate Campus,  
Dindigul District.
2. The Tahsildar,  
Dindigul East Taluk,  
Dindigul District..
3. The Block Development Officer  
(Village Panchayats),  
Office of Panchayat Union, Sanarpatti,  
Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 10459  
+ 1 CC TO Mr. KARTHICK SUBRAMANIAN, ADVOCATE IN SR No. 10234

SMN

TE/JM/SAR-III : 01/03/2017 : 2P/6C

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

ORDER MADE IN  
W.P (MD) No.3149 of 2017  
23.02.2017