

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 16.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM**and****THE HONOURABLE MR.JUSTICE N.AUTHINATHAN****W.P(MD)No.3728 of 2017**

A.Asarap Ali

.. Petitioner

Vs.

1. The District Collector,
O/o.The District Collector Office,
Dindigul District, Dindigul.
2. The Assistant Engineer,
TANGEDCO (Town Section),
Batlagundu - 624 202,
Dindigul District.
3. The Executive Engineer,
Batlagundu Town Panchayat,
Batlagundu, Dindigul District.
- 4.Panchavarnam

.. 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 third respondent to remove the encroachment made in Survey No.1346/2, Batlagundu Village, Nilakottai Taluk, Dindigul District in pursuant to the order passed by the third respondent in his proceedings Na.Ka.No.4/2016/A1, dated 20.06.2016, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates.
For Respondent No.1 : Mr.K.Guru,
Additional Government Pleader.
For Respondent No.2 : Mrs.S.Srimathy
For Respondent No.4 : Mr.S.A.Ajmal Khan
For Respondent No.3 : No appearance

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 third respondent to remove encroachments which are in existence in Survey No.1346/2, Batlagundu Village, Nilakottai Taluk, Dindigul District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that Survey No.1346/2, Batlagundu Village has been classified as a lane and so many encroachments are in existence and under the said circumstances the third respondent

has issued proceedings dated 20.06.2016 and subsequently no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.It is seen from the revenue records that Survey No.1346/2, Batlagundu Village has been classified as a lane. Further the third respondent has already initiated eviction proceedings dated 20.06.2016.

4.The learned counsel appearing for the fourth respondent has contended to the effect that the fourth respondent is not an encroacher and she has been unnecessarily included in the present writ petition.

5.The third respondent has also issued concerned notice to the fourth respondent.

6.Considering the nature of classification made in respect of Survey No.1346/2, this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed without costs and the third respondent is strictly directed to remove all encroachments which are in existence in Survey No.1346/2 under due process of law within a period of two months.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o.The District Collector Office,
Dindigul District, Dindigul.
2. The Assistant Engineer,
TANGEDCO (Town Section),
Batlagundu - 624 202,
Dindigul District.
3. The Executive Engineer,
Batlagundu Town Panchayat,
Batlagundu, Dindigul District.

+1cc to M/S. AJMAL ASSOCIATES, Advocate, SR.No.60770.

+1cc to Special Government Pleader, SR.No.60607.

ORDER MADE IN
W.P (MD) No.3728 of 2017
16.06.2017

smn