



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.4072 of 2017

P.Vadivel

.. Petitioner

Vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.
- 3.The Block Development Officer,
Sanarpatti Panchayat Union,
Sanarpatti, Dindigul District.
- 4.The Secretary,
Vembarpatti Village Panchayat,
Vembarpatti, 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 to allow the petitioner to remove all the bricks and other materials belonging to the petitioner lying in Survey No.477/1 and shift to his own lands situated in Survey No.658/1 situated at Vembarpatti Village, Sanarpatti Panchayat Union, Dindigul East Taluk, Dindigul District by granting four months period by considering the petitioner's representation dated 20.02.2017.

For Petitioner : Mr.J.Lawrance

For Respondents 1 and 2 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

For Respondents 3 and 4 : Mr.R.Bharathi

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 allow the petitioner to remove all bricks found in Survey No.477/1, Vembarpatti Village, Sanarpatti Panchayat Union, Dindigul East Taluk, Dindigul District, by way of issuing a writ of mandamus.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the respondents 1 and 2 and Mr.R.Bharathi, learned counsel, has taken notice for the respondents 3 and 4.



3.The learned counsel appearing for the petitioner has contended to the effect that from time immemorial the petitioner has been making bricks in Survey No.477/1 and all of a sudden, the third respondent has issued a notice to remove all bricks and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 has contended to the effect that the notice mentioned in the petition has been issued during August, 2016, wherein four months time has been granted, but the petitioner has not removed all bricks and further at the time of removing encroachment the petitioner has deterred the same and a police complaint has also been given.

5.It is an admitted fact that Survey No.477/1 belongs to the Government. It is also equally an admitted fact that even without getting permission, the petitioner has been making bricks in Survey No.477/1.

6.The third respondent during August, 2016 has issued a notice whereby it has been clearly stated that the petitioner should remove all bricks within a period of fifteen days. Further it is seen from the records that on 20.02.2017 a representation has been given, but the same has not been considered.

7.Considering the fact that a representation has been given on 20.02.2017, this Court is inclined to pass the following order.

8.In fine, this writ petition is allowed in part without costs and the third respondent is directed to look into the representation dated 20.02.2017 and dispose of the same within a period of one week.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Dindigul District, Dindigul.

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

3.The Block Development Officer,

Sanarpatti Panchayat Union, Sanarpatti, Dindigul District.

4.The Secretary, Vembarpatti Village Panchayat,

Vembarpatti, Dindigul District.

+One cc to Mr.J.Lawrance, Advocate, SR.No.13814

+One cc to The Special Government Pleader, SR.No.13748

smn

RL/7C/2P/SAR3/14.3.2017