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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.7592 of 2017

V.Palanivel .. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Dindigul West Taluk,
Dindigul.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul.

4.Kalimuthu

5.Palaniappan

6.Rasu .. 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 respondent Nos.1 to 3 to remove the encroachments made by the respondents Nos.4 to 6 on the Odai Poramboke in Survey No.452-1 to a total extent of 0.43.5 ares situated in Kothapulli Village, West Taluk, Dindigul District based on the petitioner's representation, dated 17.04.2017.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents 1 to 3 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

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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 which are in existence in Survey No.452-1, Kothapulli Village, West Taluk, Dindigul District on the basis of representation dated 17.04.2017, 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 to 3. Considering the nature of classification of Survey No.452-1, notice need not be sent to the respondents 4 to 6.

3.It is seen from the records that Survey No.452-1 has been classified as an odai.

4.The main grievance expressed on the side of the petitioner is that the respondents 4 to 6 have made certain encroachments and a representation has been given on 17.04.2017, but no action has been taken. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the third respondent is directed to conduct proper survey in respect of Survey No.452-1, Kothapulli Village, West Taluk, Dindigul District with the assistance of revenue records and if there is any encroachment is in existence directed to remove the same under due process of law within a period of two months.

Sd/-
Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Dindigul West Taluk,
Dindigul.

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3.The Tahsildar,
Dindigul West Taluk,
Dindigul.

+1cc to Mr.K.A.S.Prabhu, Advocate in SR.No:53691
+1cc to Special Government Pleader in SR.No:53978

ps
AE/SV MMS/SAR2/27.04.2017/3P/6C

ORDER MADE IN
W.P(MD)No.7592 of 2017
24.04.2017

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