



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. [MD] .No.8346 of 2013
and
M.P. (MD) Nos.1 and 2 of 2013**

Victory Teachers Training Institute,
Kambiliampatti,
Dindigul Taluk and District,
Through its Correspondent

: Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Dindigul.
3. The Thasildar,
Dindigul Taluk,
Dindigul.
4. The President,
Kambilipatti Village Panchayat,
Dindigul Taluk, Dindigul.
5. P.Mani
6. Kalyanasundaram
7. Sivasankaran
- 8.Ravi @ Ravichandran

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings dated 19.04.2013 on the file of the third respondent and quash the same as illegal, incompetent and without jurisdiction and consequently, forbearing the respondents from initiating any proceedings allegedly for eviction or removal of encroachment in S.No.1871/7, 1874/6, 1873/24 and in 6 cents of S.No.1871/5 grama natham porambokku of Kambiliapatti Village, Dindigul Taluk and for other suitable orders.

For Petitioner : Mr.H.Lakshmi Shankar.

For Respondents 1to4 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondents 5to8 : No Appearance.

**O R D E R**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner has questioned the notice dated 19.04.2013 issued by the Tahsildar, Dindigul Taluk.

2. According to the learned counsel for the writ petitioner, the impugned notice suffers from two defects. Firstly, it pertains to Natham land. Secondly, it was not preceded by any prior notice. However, we note that the Writ Petition has been filed by a Teachers Training Institute. We also note that survey notice has been issued subsequently.

3. We, therefore, direct the first respondent to direct the Jurisdictional Tahsildar, viz., the third respondent herein, to survey the land in question. The third respondent shall submit a report to the first respondent with regard to the results of the survey. On survey, if it is found that the writ petitioner has committed encroachment, appropriate action would be taken on merits and as per law. Since the encroached land is a Government land and the District Collector is the appropriate authority for removal of encroachment, it is open to the District Collector to pass appropriate orders on merits and remove the encroachment, notwithstanding the pendency of the civil suit in O.S.No.733 of 1999 pending before the learned Principal District Munsif, Dindigul. The entire exercise shall be completed, within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.
 2. The Revenue Divisional Officer, Dindigul.
 3. The Tahsildar,
Dindigul Taluk, Dindigul.
 4. The President,
Kambilipatti Village Panchayat,
Dindigul Taluk, Dindigul.
- +1cc to M/S. H.LAKSHMI SHANKAR, Advocate, SR.No.67341.
+1cc to Special Government Pleader, SR.No.67897.

Order made in
W.P. [MD].No.8346 of 2013
24.07.2017