



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P (MD) No. 1100 of 2018

N. Jeyachandran

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.
2. The Tashildar,
Office of the Tashildar,
Nilakottai Taluk,
Dindigul District.
3. The Divisional Engineer,
Office of the Divisional Engineer,
Highways Department,
Trichy Road, Dindigul.
4. The Assistant Engineer,
Office of the Assistant Engineer,
Highways Department,
Kodai Road, Nilakottai Taluk,
Dindigul District.
5. The Block Development Officer,
Office of the Block Development Officer,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos. 3 to 5 to take necessary action on the basis of the order passed by the respondent No. 2 in Na.Ka.No.111605/2017/A1, dated 30.11.2017 within the time stipulated by this Court.

For Petitioner
For RR 1 to 4

: Mr. I. Sabeer Mohamed
: Mr. A. Muthukaruppan,
Additional Government Pleader.

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

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

By consent, the Writ Petition itself is taken up for final disposal.



2.Mr.A.Muthukaruppan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 4.

3.The petitioner has filed this Writ Petition styled as a 'Public Interest Litigation' stating among other things that Tamilvannan and Krishnamoorthy had encroached upon the land in Survey Nos.152 and 154, situated at Pallapatti-Vathalagundu Main Road, Kavundanpatti Division, Nilakottai Taluk, Dindigul District, which is classified as a "road" and also started running chicken shop by putting up an unauthorised structure without any permission whatsoever and also using a gas stove for the purpose of cleaning "dressed chicken". The petitioner in this regard, submitted repeated representations dated 21.10.2017, 06.11.2017 and 27.11.2017 to the respondents and in response to the same, the second respondent vide communication dated 30.11.2017, has informed the fourth respondent as well as the fifth respondent stating that the land in Survey No.152 is classified as "salaipurambukal" and the land in Survey No.154 is classified as "cart track salaipurambukal" and in cooperation with the Highways Department as well as the Rural Development Department, action to be taken under the provisions of the Tamil Nadu Land Encroachment Act, 1905. The third respondent in turn informed the petitioner that the encroachment in the form of chicken shop will be done before 15.12.2017.

4.The learned counsel appearing for the petitioner would submit that though merely month had lapsed from the date of communication of the third respondent, the encroachers are merely carrying on their illegal business activities and left with no other option, the petitioner is constrained to approach this Court by filing this Writ Petition.

5.This Court has heard the submissions of the learned Additional Government Pleader appearing for the respondents 1 to 4, who would submit that necessary steps would be taken in accordance with law under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and prays for appropriate direction.

6.This Court has considered the rival submissions and perused the materials available on record.

7.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 4 to put notice to Tamilvannan and Krishnamoorthy, who are said to have running the chicken shop in the land in Survey Nos.152 and 154 situated at Pallapatti-Vathalagundu Main Road, Kavundanpatti Division, Nilakottai Taluk, Dindigul District, and thereafter, take appropriate steps to remove the encroachment in accordance with law and inform the decision taken, to the petitioner as well



as to the encroachers, within period of ten weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of accordingly. No costs.

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Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

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Office of the Block Development Officer,
Nilakottai Taluk,
Dindigul District.

+1cc to Mr.I.Sabeer Mohamed, Advocate Sr.No.43142

PS/VSG

VB/KKR/SAR1/02.02.2018/3P/7C

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