



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

and

The Hon`ble Mrs.Justice R.THARANI

W.P(MD)Nos.1777 to 1780 and 2451 of 2018

and

W.P(MD)No.2386 of 2018

T.THANGAM	... PETITIONER IN WP(MD)No.1777/18
K.MURUGESAN	... PETITIONER IN WP(MD)No.1778/18
R.BALAKRISHNAN	... PETITIONER IN WP(MD)No.1779/18
K.VIJAYALAKSHMI	... PETITIONER IN WP(MD)No.1780/18
P.GANDHI	... PETITIONER IN WP(MD)No.2451/18
N.MAYILSAMY	... PETITIONER IN WP(MD)No.2386/18

Vs

1 THE DISTRICT COLLECTOR,
DINDIGUL DISTRICT, DINDIGUL.

2 THE TASHILDHAR,
DINDIGUL WEST,
DINDIGUL, DINDIGUL DISTRICT.

3 THE BLOCK DEVELOPMENT OFFICER,
REDDIYARCHATIRAM, DINDIGUL TALUK,
DINDIGUL DISTRICT. ... RESPONDENTS 1 TO 3
IN ALL THE PETITIONS

4 THE EXECUTIVE ENGINEER (PWD) ,
NANGANJIYAR DIVISION, PALANI,
DINDIGUL DISTRICT.

5 THE DIVISIONAL ENGINEER (TANGEDCO) ,
OTTANCHATTIRAM, DINDIGUL DISTRICT.

6 THE ASSISTANT ENGINEER (TANGEDCO) ,
KANNIVAADI, DINDIGUL DISTRICT.

7 K.KARUPPANAN

8 M.MURUGANATHAN

9 V.CHINNASAMY

<https://hcservices.ecourts.gov.in/hcservices/>
10 SEMBARAI & KALIMUTHU

11 SEENIPANDI



12 THANGAM
13 BALAKRISHNAN
14 MURUGESAN
15 VIJAYALAKSHMI

... RESPONDENTS 4 TO 15
IN WP (MD) No.2451/18

16 THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT, OTTANCHATIRAM,
DINDIGUL DISTRICT.

... 4th RESPONDENT
IN WP (MD) No.2386/18

Prayer in WP(MD). 1777/ 2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue Writ of Mandamus forbearing the respondents from removing/destroying the coconut trees and other property of the petitioner in Survey No.420/1, 420/6F, 6G,6H, 6E, 6D, 397/1 and 421/1A and 422/3, situated at Neelamalaikottai Village, Dindigul West Taluk, Dindigul District belonging to the petitioner without following due process of law and in violation of principles of natural justice

Prayer in WP(MD). 1778/ 2018 :

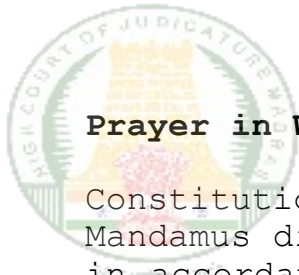
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents from removing/destroying the coconut trees and standing crops and other property of the petitioner in Survey No.389, 391, 404, 390 & 358, situated at Neelamalaikottai village, Dindigul west Taluk, Dindigul District belonging to the petitioner without following due process of law and in violation of principles of natural justice.

Prayer in WP(MD). 1779/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus forbearing the respondents from removing/destroying the coconut trees and standing crops and other property of the petitioner in Survey No.394, 395, 401/4, 401/5, 403/1, 403/2, 402, 404, 405, 420/1 & 358/1, situated at Neelamalaikottai Village, Dindigul West Taluk, Dindigul District belonging to the petitioner without following due process of law and in violation of principles of natural justice

Prayer in WP(MD). 1780/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus forbearing the respondents from removing/destroying the coconut trees and other property of the petitioner in Survey No.358/2A & 358/1, situated at Neelamalaikottai Village, Dindigul West Taluk, Dindigul District belonging to the petitioner without following due process of law and in violation of principles of natural justice.



Prayer in WP(MD). 2451/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 6 to take appropriate action in accordance with law and to remove all the encroachment in Pullan Mudakkai Odai (1), Valakkudai Odai (2), Molugu Ootru Odai (3), Vellu Urundan Odai, (4) Sottu Oothu Odai (5), Kaatu Odai (6) Karuku Madai Odai (7) and Sothalnayackan Dam in Neelamalaikottai Village, Dindigul West Taluk, Dindigul District and also to appropriate the wells and bore wells in the water bodies mentioned above for the use of general public and to remove all fencing in the water Bodies / Government lands put up by the encroachers, within a stipulated time.

Prayer in WP(MD). 2386/ 2018 :

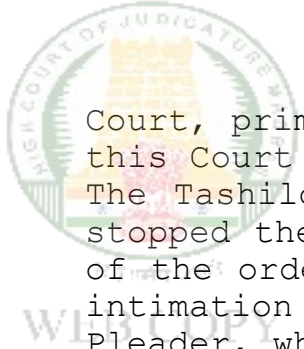
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing from removing / destroying the coconut trees, Guava Trees, Drumstick Trees, standing crops and other property of the petitioner in Survey No. 347/1, 347/2, 348/1 and 358/1 situated at Neelamalaikottai Village, Dindigul West Taluk, Dindigul District without following due process of law and in violation of principles of natural justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.B.SARAVANAN, Advocate for the petitioner in W.P(MD)Nos.1777 to 1780 and 2386 of 2018 and of M/S.H.LAKSHMI SHANKAR, Advocate for the petitioner in W.P(MD)No.2451 of 2018 and of MR.V.R.SHANMUGANATHAM, Special Government Pleader for R1 to R3 in W.P(MD)Nos.1777 to 1780 of 2018 and R1 to R4 in W.P(MD) Nos.2451 & 2386 of 2018 and of M/S.S.M.S.JOHHNY BASHA, for R5 & R6 in WP(MD) No.2451 of 2018 and the court made the following order:-

[Order of the Court was delivered by **N.KIRUBAKARAN, J**]

The District Collector, Dindigul is said to have appeared before this Court yesterday i.e., on 07.02.2018 and got an order of dispensed with.

2.With great respect to the order passed by the Honourable Division Bench, this Court is of the view that the appearance of Collector is important in this matter, as Mr.B.Saravanan, learned counsel appearing for the petitioner would submit that the order of this Court dated 31.01.2018 has been sent through RPAD and it was delivered on the Collector on 01.02.2018 at 4.22 p.m. Whereas, four trees have been cut off on the previous day and more trees have been cut off on the next day. As far as the petitioner is concerned, information regarding the order has been communicated to the Collector. If the Officer, who received the intimation has not chosen to inform the Collector, the concern person should be taken to task and that cannot be a ground to escape from the contempt of



Court, prima facie, it is clear. Therefore, he has to appear before this Court and explain when he was informed about the Court's order. The Tashildar also has to file an affidavit as to why she has not stopped the work, especially, when she is not aware of the contents of the order and the copy of the order is not ready, inspite of an intimation from Mr.V.R.Shanmuganathan, learned Special Government Pleader, who informed the Officer at 12.30 p.m.

3.Mr.D.Muruganantham, learned Additional Government Pleader takes notice on behalf of the impleaded respondents 2 to 5.

4.In W.P(MD)No.2451 of 2018, the authorities are directed to file a status report regarding the Seven Odais of the very same Neelamalaikottai village. It is stated by the learned counsel for the petitioner that a notice was issued by the revenue department about six months ago and if any inspection has been done, the concerned report has to be filed before this Court by 09.02.2018.

Post the matter on 09.02.2018.

sd/-
08/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT COLLECTOR,
DINDIGUL DISTRICT, DINDIGUL.
- 2 THE TASHILDHAR,
DINDIGUL WEST, DINDIGUL, DINDIGUL DISTRICT.
- 3 THE BLOCK DEVELOPMENT OFFICER,
REDDIYARCHATIRAM, DINDIGUL TALUK,
DINDIGUL DISTRICT.
- 4 THE EXECUTIVE ENGINEER (PWD),
NANGANJIYAR DIVISION, PALANI, DINDIGUL DISTRICT.
- 5 THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT, OTTANCHATIRAM,
DINDIGUL DISTRICT.

ORDER IN
W.P(MD)Nos.1777 to 1780 and 2451 of 2018
and W.P(MD)No.2386 of 2018
Date :08/02/2018