



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.2726 of 2018

Rathinam

.. Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Special Officer/Block Development Officer,
Pachamalayankottai Panchayat,
Nilakottai Taluk, Dindigul District.
3. The Tahsildar,
Nilakottai Taluk,
Dindigul District.
4. The Commissioner,
Panchayat Union,
Nilakottai Taluk,
Dindigul District.
5. Murugan
6. Vijayakanth
7. Alaguponnu

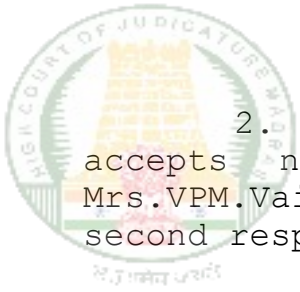
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st to 4th respondents forthwith to remove the encroachment made by the respondents 5 to 7 in the pathway in Survey No.691/38, 691/10 of Ottupatti, Pachamalayankottai Village, Nilakottai Taluk, Dindigul District.

For Petitioner	: Mr.R.Pon Karthikeyan
For R-1, R-3 and R-4	: Mr.A.Muthukaruppan Additional Government Pleader
For R-2	: Mrs.VPM.Vaishnavi

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]



2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of respondents 1, 3 and 4 and Mrs.VPM.Vaishnavi, learned counsel accepts notice on behalf of the second respondent.

3. This Writ Petition is styled as a 'Public Interest Litigation'. The petitioner, who is a resident of Ottupatti, Sangalapatti Post, Pachamalayankottai, Nilakottai Taluk, Dindigul District, would state that his house bearing Door No.5/23 is situated in Survey No.691/13 and 'Manaivari Thoraya Patta' also stands in his name and according to the petitioner, Survey No.691/1 is classified as 'Grama Natham Poramboke' and it was subdivided and as per the village records, the sub-divided survey Number is 691/38 and it is a main pathway to reach the other streets of Ottupatti. The petitioner would further aver that apart from him, several other residents are also using the said pathway for their ingress and egress and likewise, Survey No.691/10 is a small lane, which connects the South street and North street.

4. The grievance expressed by the petitioner is that the private respondents 5 to 7, started putting up a 'thatched shed' in Survey No.691/38 and the fifth respondent had also blocked the entry in Survey No.691/10 and thereby, preventing the other residents to use the said pathway for ingress and egress and the petitioner in this regard, has submitted a representation to the respondents and the third respondent vide proceedings in ந.க.எண்.1582/2017/அ1 dated 16.06.2017, has informed the petitioner that the matter in issue is within the purview of the second respondent and in the event of the proceedings being initiated for removal of encroachment under the Tamil Nadu Land Encroachment Act, 1905, full and necessary co-operation will be extended to.

5. The Sub-Collector of Dindigul District has also sent a communication dated 05.10.2017 in ந.க.எண்.9508/2017/ஆ3, to the Inspector of Police, Sempatti Police Station, Sempatti, to extend necessary police protection on account of the fact that the second respondent has informed that in the event of the encroachment being removed, there is likelihood of law and order problem.

6. The fourth respondent has also sent a communication dated 05.01.2018 in ந.க.எண்.3044/17/அ5, to the third respondent requesting him to survey and measure the land and once again, the fourth respondent has sent a communication dated 10.01.2018 in ந.க.எண்.3044/17/அ5, to the Inspector of Police, Sempatti Police Station, Sempatti, indicating that removal of encroachment will be done on 12.01.2018 and prays for necessary police protection.

7. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that despite very many efforts have been made, the encroachment made by the respondents 5 to 7, is yet to be removed and therefore, the petitioner is constrained to file this Writ



Petition.

8. This Court heard the submissions of the learned Special Government Pleader for the respondents 1, 3 and 4 and the learned counsel for the second respondent also.

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9. Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representation, directs the respondents 2 and 3, to cause inspection of the lands in Survey Nos. 691/10 and 691/38 of Ottupatti, Sangalapatti Post, Pachamalayankottai, Nilakottai Taluk, Dindigul District and survey the land with the help of the jurisdictional Surveyor, after putting the petitioner as well as the private respondents 5 to 7 and other encroachers if any, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the said inspection, they are directed to take appropriate action, in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the respondents 5 to 7 and the other encroachers if any.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Special Officer/Block Development Officer,
Pachamalayankottai Panchayat,
Nilakottai Taluk, Dindigul District.
3. The Tahsildar,
Nilakottai Taluk,
Dindigul District.
4. The Commissioner,
Panchayat Union, Nilakottai Taluk,
Dindigul District.

+ 1 CC TO Mr.R.PON KARTHIKEYAN, ADVOCATE IN SR No. 47773
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 48650

PM

TE/JC/SAR-4 : 26/02/2018 : 3P/7C

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ORDER MADE IN
W.P (MD) No.2726 of 2018
12.02.2018