



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD].No.3226 of 2018

A.Thangaraj : Petitioner

vs.

1.The District Collector,  
Dindigul District.

2.The Block Development Officer,  
Ottanchatram Village Panchayat,  
Dindigul District.

3.The Tahsildar,  
Ottanchatram Taluk,  
Dindigul District.

4.A.Sivasankar

5.S.K.Chidambaram @ Chinnamani : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth and fifth respondents made in S.F.No.51 and 58, Odai Poramboke Land is situated at Ambiligai Village, Ottanchatram Taluk, Dindigul District.

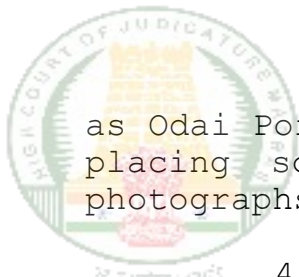
For Petitioner : Mr.R.Jegadeeswaran  
For R1 to R3 : Mr.V.Muruganandam,  
Addl. Govt. Pleader

O R D E R

Heard Mr.R.Jegadeeswaran, learned counsel appearing for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader accepting notice on behalf of the respondents 1 to 3.

2.In the light of the order which we propose to pass notice to the respondents 4 & 5 is dispensed with.

3.The petitioner is before this Court seeking for a direction to the respondents 1 to 3 to remove the encroachment made by the respondents 4 & 5 in S.F.No.51 and 58, Odai Poramboke Land is situated at Ambiligai Village, Ottanchatram Taluk, Dindigul District. The petitioner claims that the said lands are classified



as Odai Poramboke and the respondents 4 & 5 have blocked the same by placing some branches of Karuvella Trees. To the said effect, photographs has been filed in the typed set of papers.

4. The learned Additional Government Pleader on instructions from the officials from the Office of the respondents 2 & 3 submitted that it is true that lands in question are classified as Odai Poramboke and on receipt of the petitioner's representation, notice was issued to the respondents 4 & 5 on 22.12.2017, directing them to remove the Karuvella trees within a period of 15 days. However, the respondents 4 & 5 appear to be residing in Chennai and they have raised certain objections. If the lands are classified as Odai Poramboke, then the authorities 2 & 3 are bound to preserve the land as it is. It is prima facie seen from the photographs that there is no construction or any other offending superstructure put up, but only branches of Karuvella trees are spread over in the area. Therefore, we direct the respondents 2 & 3 to take necessary action after issuing notice to the respondents 4 & 5 and clear the area and keep the same free from any encroachment and if necessary they made address the Superintendent of Police, Dindigul District for appropriate police protection.

5. Accordingly, the writ petition stands disposed of. No costs.

6. The above direction shall be complied with within a period of six weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Dindigul District.
2. The Block Development Officer,  
Ottanchatram Village Panchayat,  
Dindigul District.
3. The Tahsildar,  
Ottanchatram Taluk,  
Dindigul District.

+1cc to Special Government Pleader, SR.No. 49646

+1cc to M/S.R.Jegadeeswaran, Advocate SR.No. 49241

WP (MD) No. 3226 of 2018  
16.02.2018

am