



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018
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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P. (MD) .No.3462 of 2018

Misty Mountain (Kodai) Owners Association,
Rep by its Secretary
Mr.AR.Venkatachalam,
Having its registered office at
Misty Mountain, Residential Colony,
Chinna Pallam Road,
Anna Ramasamy Nagar,
Vilpatty Village,
Kodaikanal,
Dindigul District.

... Petitioner

Vs.

- 1.The District Collector,
Dindigul,
Dindigul District.
- 2.The Tahsildar,
Kodaikanal, Dindigul District.
- 3.The Block Development Officer,
Kodaikanal, Dindigul District.
- 4.Mr.Abbas
- 5.Mr.Mariappan
- 6.Mrs.Kavita Raja
- 7.Mr.S.Shankar
- 8.Mr.Kennedy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to remove the unauthorized constructions and encroachments put by the respondents 4 to 8 and others in S.Nos.782/1 and 782/2 situated at Vilpatty Village Dindigul District and to ensure the aquifer zone in this revenue land and public pathway is free for public access within the time framed fixed by this Court.



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For Petitioner	: M/s.AL.Kannan
For R1& R2	: Mr.D.Muruganantham Addl. Government Pleader
For R3	: Mr.Gunaseelan Muthiah
For R4 to R8	: Dispense with

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.AL.Kannan, learned counsel appearing for the petitioner, Mr.D.Muruganantham, learned Additional Government Pleader accepts notice for the respondents 1 and 2 and Mr.Gunaseelan Muthiah, learned counsel appearing for the third respondent.

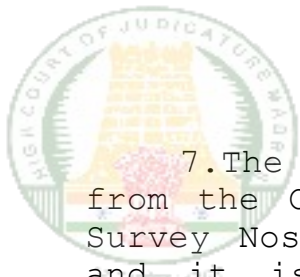
2.In the light of the directions we propose to issue in this writ petition, notice to the respondents 4 to 8 is dispensed with.

3.By consent, the writ petition itself is taken up for final disposal, at the stage of admission.

4.The petitioner is an Association registered under the provisions of Tamil Nadu Societies Registration Act, with Registration No.178/2015, on the file of the District Registrar, Dindigul. It is stated that the petitioner's Association was formed for protecting the welfare of the residents in Misty Mountain area at Vilpatty Village, Kodaikanal Taluk, Dindigul District. The members of the petitioner's Association is said to have constructed houses in the said area and they are in occupation of the respective properties.

5.In this writ petition, the petitioner seeks for a direction upon the respondents 1 to 3 to take necessary action to remove unauthorized construction and encroachment in the lands comprised in Survey Nos. 782/1 and 782/2, situated at Vilpatty Village, Dindigul District, which is a aquifer zone and it is a revenue land and it is a pathway and in the said land, permission has been granted to the Kodaikanal Municipality to dig a open Well to get drinking water to later to the needs of the residents in the Misty Mountain area. In this regard, a work order has been issued by the District Collector, Dindigul vide Proceedings dated 10.01.2018.

6.The learned counsel for the petitioner has drawn the attention of this Court to the proceedings of the Commissioner, Dindigul Municipality, dated 24.01.2018, addressed to the Inspector of Police, Kodaikanal. On a reading of the said proceedings, it is seen that the private respondents herein have been shown as encroachers of the Government land and necessary action has been requested from the Inspector of Police, Kodaikanal. It is not known as to what action the Inspector of Police has taken, pursuant to the proceedings of the Commissioner, Kodaikanal Municipality, dated 24.01.2018. Be that as it may, it has to be seen as to whether the land is a Government land and for what use the land should be put to.



7.The learned Additional Government Pleader on instructions, from the Officer present in Court would submit that the lands in Survey Nos.782/2 have been classified as an "Assessed Waste Land" and it is true that there are encroachments and the private respondents are the encroachers and already the second respondent has initiated the action under Section 7 of the Tamil Nadu Land Encroachment Act by issuing notice, dated 05.02.2018.

8.In the light of the action initiated by the second respondent, it may not be necessary for this Court to issue any further direction, but an observation to the effect that the second respondent to proceed further in accordance with law would suffice to protect the interest of all concerned.

9.Accordingly, the writ petition stands disposed of by placing on record the action initiated by the second respondent and directing the second respondent to proceed further in accordance with the provisions of Tamil Nadu Land Encroachment Act, after affording reasonable opportunity to the alleged encroachers. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Dindigul,
Dindigul District.

2.The Tahsildar,
Kodaikanarl, Dindigul District.

3.Block Development Officer,
Kodaikanal, Dindigul District.

+One cc to The Special Government Pleader, SR.No.50566

+One cc to M/s.AL.Kannan, Advocate, SR.No.50430

Ns

RL/6C/3P/GT/SAR2/2/3/2018

W.P. (MD) .No.3462 of 2018