



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.18513 of 2017

K.Ramasamy

: Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Dindigul.

2.The Sub Collector,
Office of the Sub Collector,
Palani, Dindigul District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani, Dindigul District.

4.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

5.The Tahsildhar,
Office Tahsildhar,
Vedasandur-624 710,
Dindigul District.

6.The Executive Engineer,
Office of the Executive Engineer,
Public Works Department (WRO),
Nangaji River Reservoir Division,
Sivagiripatti, Palani,
Dindigul District.

7.The Special Officer -cum-
Block Development Officer,
Palapatti Panchayat Union,
Palapatti Post,
Vedasandur Taluk,
Dindigul District.

8.Maaiakal

9.Kandasamy

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment based on the proceedings passed by the fifth respondent in Na.Ka.No.10418/2016/A4, dated 04.04.2017 within the time frame fixed by this Court and direct the fourth respondent to provide necessary police protection at the time of removal of the encroachment based on the proceedings passed by the fifth respondent in Na.Ka.No.10418/2016/A4, dated 04.04.2017.



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For Petitioner : No Appearance
For Respondents 1to6 : Mr.A.K.Baskarapandian,
Special Government Pleader
For Respondent No.7 : Mr.T.R.Janarthanan
For Respondent No.8 : Mr.A.Arul Jenifer
For Respondent No.9 : No Appearance

O R D E R

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

There is no representation for the petitioner as well as the ninth respondent.

2. The learned Special Government Pleader, placing reliance upon the counter-affidavit filed by the fifth respondent, submitted that necessary action will be taken by the respondents 5 and 7 by removing the encroachment made.

3. The following is the relevant averment in the counter-affidavit filed by the fifth respondent:

"4. It is submitted that the land in question in S.No.136/1 measuring a total extent of 0.16.5 hectares is classified as Vandipathai (வண்டிபாறை) Poramboke in the revenue records. The 8th and 9th respondents herein have encroached an extent of 0.02.0 acres each in the said S.No.136/1 by putting up fences. The notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the notice under Section 6 of the Act were duly served on the said two encroachers on 28.07.2017 and 11.08.2017 respectively. As the Vandipathai Poramboke land is a vested property of the 7th respondent Village Panchayat, it was informed that necessary assistance will be rendered by this respondent as and when the 7th respondent taking steps to evict the said objectionable encroachments vide this office proceedings Na.Ka.No.10418/2016/A4, dated 04.04.2017. It is submitted that the 7th respondent is taking steps to evict the said encroachments. At this state the petitioner has filed this writ petition."

4. In the light of the above, the Writ Petition stands disposed of, directing the respondents 5 and 7 to see to it the encroachment made by the respondents 8 and 9 is removed, within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar (CS-I)

To

1.The District Collector,
Collectorate Campus,
Dindigul.



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Palani, Dindigul District.
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Office of the Revenue Divisional Officer,
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7. The Special Officer-cum-Block Development Officer,
Palapatti Panchayat Union,
Palapatti Post,
Vedasandur Taluk,
Dindigul District.

+1cc to Mr.R.SENTHIL KUMAR, Advocate, SR.No. 89769
+1cc to Mr.A.ARUL JENIFER, Advocate, SR.No. 89972
+1cc to M/s.Special Government Pleader, SR.No.89709

W.P. [MD] .No.18513 of 2017
Dated: 09.10.2018

SML
KK/SV/SAR-1/14.11.2018/3P-11C