



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.09.2018
CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P (MD) No.19226 of 2018

Thangavel ... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Dindigul.
2. The Tahsildar,
Office of the Dindigul East Taluk,
Dindigul.
3. The Block Development officer,
Sanarpatti Panchayat Union,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent herein in Na.Ka.No.1605/2018/Thi.3 dated 20.08.2018 and quash the same and consequently forbearing the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner situated at Survey No.809/1, 809/2 situated at Siluvathur village, Dindigul East Taluk, Dindigul District.

For Petitioner : Mr.Niranjan S.Kumar for
Mr.M.Chellapandian

For Respondents: Mr.C.Ramar
Additional Government Pleader

O R D E R

(Order of the Court was made by T.RAJA, J.)

This Writ Petition is directed against the impugned proceedings dated 20.08.2018 issued by the Block Development Officer, Sanarpatti Panchayat Union, Dindigul District, the third respondent herein, directing the Tahsildar East Taluk, Dindigul, to take all possible steps to remove the encroachment found in S.No.808 fixing the date for removal of encroachment on 05.09.2018, ie., today.



2. Learned counsel for the petitioner would submit that the petitioner has been residing only in S.Nos.809/1, 809/2 (New Survey No.349/2) and not in S.No.808 of Siluvathur Village. Therefore, the question of encroachment put up by the petitioner in S.No.808 does not arise at all and if the respondents find any encroachment in S.No.808, the petitioner has no objection for removal of such encroachment, he contended. It is also submitted that the petitioner has filed a civil suit in O.S.No.151/2018 on the file of the District Munsif Court, Dindigul seeking a decree for bare injunction only with respect to S.Nos.809/1 and 809/2 (New Survey No.349/2).

3. Therefore, the pendency of the civil suit will not stand in the way of the respondents to proceed with the removal of encroachment, if it is found in S.No.808. Learned counsel also brought to the notice of this Court that patta has been issued in favour of the petitioner in respect of the lands in S.Nos.809/1 and 809/2 and it is for the respondents to consider the patta land also, while removing the encroachment.

4. In view of the above, we are unable to find any merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. However, it is made clear that the respondents shall proceed with the removal of encroachment found in S.No.808. No costs. Consequently, connected WMP(MD).No.17064/18 is closed

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Office of the District Collector, Dindigul.

2. The Tahsildar, Office of the Dindigul East Taluk, Dindigul.

3. The Block Development officer,
Sanarpatti Panchayat Union, Dindigul District.

+ 1 CC TO MR.M.CHELLAPANDIAN, ADVOCATE IN SR NO.82256

RR

BU/NM/RSK/SAR-2 :14.11.2018 : 2P/5C