



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2018

CORAM:

WEB COPY

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

W.P (MD) No.23599 of 2017

S.Sakaya Arulraj

.. Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Block Development Officer,
(Village Panchayat),
Sanarpatti,
Dindigul District.

3. The Tahsildar,
Dindigul East Taluk,
Dindigul District.

.. 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 consider the petitioner's representation dated 20.11.2017 within a time stipulated by this Court.

For Petitioner

: Mr.S.Kameswaran

For Respondents 1 & 3

: Mr.C.Marichellaiah Prabhu,
Addl. Government Pleader

For 2nd respondent

: Mr.T.S.Md.Mohideen
Standing Counsel

ORDER

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

By consent, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner has filed this writ petition as a Public



Interest Litigation, stating among other things that he is an agriculturist and he is not an encroacher of any of the lands belonging either to the Local Body or the Government. The grievance expressed by the petitioner is that during the rainy season, rain water, usually, collected and stored in a tank in Survey No.501 of T.Panchampatti Village and according to him, on account of the lapse on the part of the second respondent, very many encroachers are in possession of the said water tank and also started putting up superstructure unauthorisedly. When it was brought to the knowledge of the Local Body, it had also passed a resolution on 02.10.2013 for removal of the said encroachments. The said fact was also brought to the knowledge of the first respondent, who, vide memorandum in Oo.Mu.No.37334/2015/D2, has directed the third respondent, with a copy marked to the second respondent, to take appropriate action. Despite such direction, the Subordinate Officials viz., the respondent Nos.2 and 3 have failed to take any action and hence, left with no other option, the petitioner is constrained to file this writ petition.

3. The learned counsel for the writ petitioner would submit that in the light of the resolution passed by T.Panchampatti Local Body, there cannot be any impediment for removal of encroachers, in accordance with law and thus, he prays for appropriate order.

4. Mr.T.C.Marichellaiah Prabhu, learned Additional Government Pleader appeared for the respondents 1 and 3. Mr.T.S.Md.Mohideen, learned standing counsel appeared for the 2nd respondent.

5. The learned counsel appearing for the 2nd respondent would submit that in the event of survey and measurement, and demarcation of the land in question, they may be granted liberty to avail the services of the third respondent.

6. This Court considered the rival submissions made on either side and perused the documents filed in the form of typed set of papers.

7. Though the petitioner prays for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the second respondent to cause inspection of the land in Survey No.501 of T.Panchampatti Village and if the said official requires the services of the third respondent or a jurisdiction surveyor, he may avail so. The second respondent, while causing inspection of the land in Survey No.501, shall put the encroachers on notice and complete the said exercise, within a period of eight weeks from the date of receipt of copy of this order and depending upon the result of the survey, shall take immediate necessary action, in accordance with law, against the encroachers, within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to



the encroachers.

8. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Block Development Officer,
(Village Panchayat),
Sanarpatti,
Dindigul District.
3. The Tahsildar,
Dindigul East Taluk,
Dindigul District.

+ 1 cc TO Mr.T.S.Mohamed Mohideen , Advocate in SR No. 41689
+ 1 cc TO The Special Government Pleader in SR No. 42237

gcg

AE/MR/SAR4/29.01.2018/3P/6C

ORDER MADE IN
W.P (MD) No.23599 of 2017
10.01.2018