



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.10072 of 2019

and

W.M.P. (MD) No.7842 of 2019

R.Chinnathambu

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District, Dindigul.

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

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

5.The Tahsildar,
Taluk Office, Natham,
Dindigul District.

6.The Block Development Officer,
Natham Block Development Office,
Natham, Dindigul District.

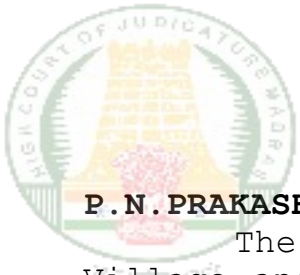
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents herein to remove the encroachments made by the villagers of Sathampadi Village in the public streets namely, South Street, Middle Street, West Street & North Street and the Street leading to the Common Burial ground of Sathampadi Village, Natham Taluk, Dindigul District, within a stipulated time frame.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader
for R.1 to R.5

Mr.A.Thiyagarajan for R.6

**ORDER****P.N.PRAKASH, J.,**

The petitioner before this Court is a resident of Sathampadi Village and according to him, the sixth respondent, viz., the Block Development Officer, had issued a notice dated 15.11.2018, calling upon the villagers to remove the encroachments in the public streets, so that there is no hindrance to free movement. In the last paragraph of the order dated 15.11.2018, the following averment has been made:

”ஆக்கிரமிப்பினை அகற்றாத பட்சத்தில் சம்பந்தப்பட்ட வருவாய் துறையினரால் அளவீடு செய்யப்பட்டு ஆக்கிரமிப்பு அகற்றப்படும்.”

2. Now, it is the case of the petitioner that the villagers are ready and willing to remove the encroachments by themselves, provided, the authorities measure and identify the encroachments and hence, he has come up with this writ petition in the form of a Public Interest Litigation.

3. We are of the view that this public interest litigation is in the preposterous stage, inasmuch as the villagers have been called upon to remove the encroachments by themselves, failing which, it has been stated that the authorities themselves would remove the encroachments after properly identifying the same.

4. The learned Additional Government Pleader is not in a position to inform us as to whether the exercise of identifying the encroachments has been initiated or not. Therefore, we direct the authorities to initiate the process of identifying the encroachments, if not already initiated and remove the encroachments completely, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

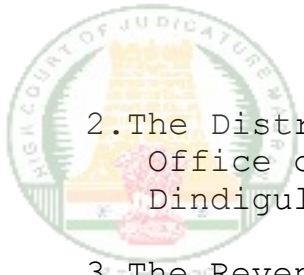
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Sub Assistant Registrar(CS)

gk

To

1.The District Collector,
Dindigul District,
Dindigul.



2.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District, Dindigul.

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

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

5.The Tahsildar,
Taluk Office,
Natham, Dindigul District.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate
(SR-63217[F] dated 27/04/2019)

+1 CC to M/s.SPL GP (SR-64020[F] dated 29/04/2019)

W.P. (MD) No.10072 of 2019
26.04.2019

ES/14.05.2019/3P/8C