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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.7298 of 2019

P.Sivasamy

... Petitioner

Vs.

1. The District Collector,  
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Palani, Dindigul District.

3. The Tahsildar,  
Ottanchathiram, Dindigul District.

4. The Block Development Officer,  
Village Panchayat Union,  
Ottanchathiram, Dindigul District.

... Respondents

**Prayer:-** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachment of the Government Odai Poramboke and Vandipathai comprised in S.F.No.304/6 situated at T.K.Pudur, Thangachiammal Patti, Ottanchathiram Taluk, Dindigul District, based on the petitioner's representation, dated 04.04.2018.

For Petitioner : Mr.S.Sadeshkumar

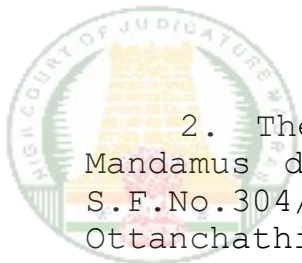
For R1 to R3 : Mr.Aayiram K.Selvakumar  
Special Government Pleader

For R4 : Mr.A.Muthukaruppan  
Additional Government Pleader

### O R D E R

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

Heard Mr.S.Sadeshkumar, learned counsel for the petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader for the respondents 1 to 3 and Mr.A.Muthukaruppan, learned Additional Government Pleader for the fourth respondent.



2. The prayer in the writ petition is to issue a writ of Mandamus directing the respondents to remove the encroachment in S.F.No.304/6 situated at T.K.Pudur, Thangachiammal Patti Village in Ottanchathiram Taluk, Dindigul District, by considering his representation, dated 04.04.2018.

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3. The case of the petitioner is that the land in S.F.No.304/6 is classified as Odai Poramboke and the same has been encroached by many persons. Since the encroachment has not been removed despite his representation, he has come up with the present writ petition.

4. Mr.S.Sadeshkumar, learned counsel for the petitioner would state that it would suffice if a direction is issued to the respondents to consider the representation of the petitioner, dated 04.04.2018.

5. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader on instructions from the third respondent would state that a survey was conducted in S.F.No.304/6 and it was found that there are encroachers including the petitioner and the third respondent is ready to submit a report to the fourth respondent.

6. In the light of the submissions of the learned counsel on either side, this Court, without going into the merits of the matter, directs the respondents 3 and 4 to take appropriate action on the representation of the petitioner, dated 04.04.2018, on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

1. The Commissioner,  
Madurai Corporation,  
Madurai.

2. The Assistant Commissioner,  
Zone No.3,  
Madurai Corporation,  
Madurai.



3. The Tahsildar,  
South Taluk,  
Madurai.

4. The Block Development Officer,  
Village Panchayat Union,  
Ottanchathiram, Dindigul District.

+1 CC to M/s.SPL GP ( SR-59267[F] dated 05/04/2019 )

**W.P. (MD) .No.7298 of 2019**  
**03.04.2019**

ES/30.04.2019/3P/6C