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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) Nos.16366 and 24172 of 2018

P.Veeramani
Baluchamy

... Petitioner in W.P. (MD) No.16366/2018
... Petitioner in W.P. (MD) No.24172/2018

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Revenue Officer,
Palani Taluk,
Dindigul District.
3. The Tahsildar,
Vedasandur Taluk,
Vedasandur,
Dindigul District.
4. The Block Development Officer,
Vedasandur Panchayat Union,
Vedasandur,
Dindigul District.
5. Jothimani
6. Kuppammal
7. Vellaichamy
8. Karnan
9. Paulsamy
10. K.Subramani

... Respondents in W.P. (MD) No.16366/2018

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Revenue Officer,
Palani Taluk,
Dindigul District.
3. The Tahsildar,
Vedasandur Taluk,
Vedasandur,
Dindigul District.
4. The Block Development Officer,



Vedasandur Panchayat Union,
Vedasandur,
Dindigul District.

5. P.Veeramani

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... Respondents in W.P.(MD)No.24172/2018

PRAYER in W.P.(MD)No.16366/2018: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to remove the encroachments made by the respondents 5 to 10 in Survey Nos.403/2, 405/1, 407/1, 408/1 and 544/2 situated at Kanapadi Village, Vedasandur Taluk, Dindigul District within the time stipulated by this Court.

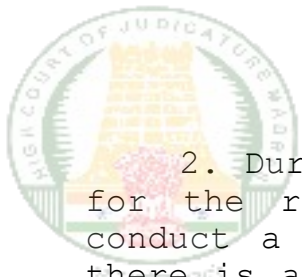
PRAYER in W.P.(MD)No.24172/2018: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to remove the encroachments made by the 5th respondent comprising in Survey Nos.571 and 631/22 situated at Kanapadi Village, Vedasandur Taluk, Dindigul District within the time stipulated by this Court.

For Petitioner in W.P.No.16366/18	: Mr.J.Lawrance
For Petitioner in W.P.No.24172/18	: Mr.L.Prabhu
For R1 to R3 in both W.Ps.	: Mr.M.Jeyakumar
	Additional Government Pleader
For R4 in both W.Ps.	: Mr.A.Thiyagarajan
	Government Advocate
For R5, R7 to 10 in W.P.16366/18:	Mr.L.Prabhu
For R5 in W.P.No.24172/18	: Mr.S.Lawrance

C O M M O N O R D E R

[Order of the Court was made by **R.SUBBIAH,J.**]

The writ petition in W.P.(MD).No.24172 of 2018 has been filed for a direction to the respondents 1 to 4 to remove the encroachments made by the 5th respondent in Survey Nos.571 and 631/22 situated at Kanapadi Village, Vedasandur Taluk, Dindigul District. The 5th respondent in this writ petition has filed a writ petition in W.P.(MD).No.16366 of 2018 as against the petitioner in W.P.(MD).No.24172 of 2018, alleging that respondents 5 to 10 are the encroachers in Survey Nos.403/2, 405/1, 407/1, 408/1 and 544/2 situated at Kanapadi Village, Vedasandur Taluk, Dindigul District. Since the petitioner as well as the respondents are accusing each other on the allegation of encroachment in respect of Survey Nos.571, 631/22, 403/2, 405/1, 407/1, 408/1 and 544/2 situated at Kanapadi Village, Vedasandur Taluk, Dindigul District, we are of the opinion that both the writ petitions would be disposed of by way of common order.



2. During the course of argument, the learned counsel appearing for the respective parties submitted that they are agreeing to conduct a survey in the subject lands to find out as to whether there is any encroachment or not and if there is any encroachment, they are ready to remove the same.

3. In view of the submissions made by both the counsel, we are of the opinion that it is not necessary for this Court to traverse into the entire averments made in the affidavit. Hence, this Court is constrained to pass the following order:

The third respondent is directed to conduct survey in respect of the land in Survey Nos.571, 631/22, 403/2, 405/1, 407/1, 408/1 and 544/2 situated at Kanapadi Village, Vendasandur Taluk, Dindigul District, in the presence of the parties and during the course of measurement, if the third respondent finds that there is an encroachment, he is at liberty to remove the same in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. with the above directions, the writ petitions stands disposed of. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Revenue Officer,
Palani Taluk,
Dindigul District.
3. The Tahsildar,
Vendasandur Taluk,
Vendasandur,
Dindigul District.
4. The Block Development Officer,
Vendasandur Panchayat Union,
Vendasandur,
Dindigul District.



+1 CC to M/s.L.PRABHU, Advocate (SR-40025[F] dated 02/01/2019)

+1 CC to M/s.SPL GP (SR-40166[F] dated 03/01/2019)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-40094[F] dated 03/01/2019)

AKV

W.P. (MD) Nos.16366 and 24172 of 2018
02.01.2019

KM/ (01.03.2019) 7P 8C