



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI
W.P. (MD) No.207 of 2019**

K.Murugesan

... Petitioner

-vs-

1.The District Collector
Dindigul District, Dindigul

2.The Tahsildar
Palani Taluk
Dindigul District

3.The Commissioner
Palani Municipality
Dindigul District

4.Nageswari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to remove the encroachment made by the fourth respondent in T.S.No.4/2 and 4/17, situated at Block No.35, Ward No.3, Palani Town, Dindigul District.

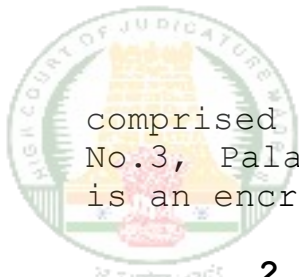
For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.S.Angappan
Government Advocate for R1 & R2
Mr.G.Arjunan for R3
Mr.S.Karthick for R4

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

By this writ petition, the writ petitioner seeks for a direction upon the official respondents to remove the encroachment, made by the fourth respondent, from the lands



comprised in T.S.Nos.4/2 and 4/17, situated at Block No.35, Ward No.3, Palani Town, Dindigul District, on the ground that that it is an encroachment.

2. It is not the case of the writ petitioner that the encroached land is a Government inam land, but it is a land handed over to the Municipality. The counter affidavit filed by the respondent Municipality does not give a clear picture, because the Municipality has stated that both the writ petitioner as well as the fourth respondent have not produced proper records.

3. It is seen that in a proceedings initiated against the fourth respondent by the third respondent challenging the order passed by the Tahsildar, Palani Taluk, an appeal is pending before the Revenue Divisional Officer, Palani, and it is stated that in the appeal petition, enquiry is going on. Since the respondent Municipality does not have sufficient records to come to a conclusion as to whether there is encroachment or not, definitely the Revenue Authorities have to pitch in and render assistance to identify the property in dispute and examine as to whether there is encroachment or not. This exercise can very well be done by the Revenue Divisional Officer, Palani, before whom the enquiry is pending on the appeal filed by the fourth respondent. However, we are conscious of the fact that the writ petitioner is not a party to the appeal proceedings and the only respondent is Palani Municipality. In order to have a comprehensive enquiry into the matter, we direct the Revenue Divisional Officer, Palani, to implead the writ petitioner as well as the Tahsildar, Palani Taluk, as a party to the appeal proceedings, issue notice to them, call for the records and if necessary, direct inspection to be conducted in the locality and after hearing all the parties, pass a speaking order on merits and in accordance with law. The consequential action to be taken shall abide by the orders to be passed by the Revenue Divisional Officer, Palani. The appeal proceedings be concluded by the Revenue Divisional Officer, Palani, after hearing all the parties, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)



To: கீழ்க்கண்ட

1.The District Collector ,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani

3.The Tahsildar,
Palani Taluk,
Dindigul District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-87142[F] dated
17/09/2019)

+1 CC to M/s.S.KARTHIK, Advocate (SR-87278[F] dated 18/09/2019)

+1 CC to M/s.G.ARJUNAN, Advocate (SR-86838[F] dated 16/09/2019)

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