



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.11.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.8779 of 2019

and

WMP (MD) No.6824 of 2019

M.Sengathan (alias) Palaniappan ... Petitioner

Vs.

1.The Sub Collector,
O/o.the Sub Collector Office,
Palani,
Dindigul District.

2.The Tahsildar,
O/o.the Tahsildar Office,
Palani,
Dindigul District.

3.The Assistant Director (Town Panchayat)
O/o.the Collectorate Office,
Dindigul,
Dindigul District.

4.The Executive Officer,
Neikarapatti Town Panchayat,
Neikarapatti, Palani Taluk,
Dindigul District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to take appropriate action to remove the obstruction made by way of putting up fencing at Survey No.36/327, Periyakalaiambathore Village, Palani Taluk, Dindigul District, in the light of the order passed by the 2nd respondent in his proceedings in NA.KA.No.12149/2016/C2 dated 09.03.2018 and in the light of order passed by the 1 respondent in his proceedings in Na.Ka.No.4231/18/A6, dated 13.10.2018 within the period that may be stipulated by this Court.

For Petitioner

: Mr.C.Venkatesh Kumar

For M/s.Ajmal Associates

For Respondents

: Mr.A.Muthukaruppan

Addl.Govt.Pleader



O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner, Mr.A.Muthukaruppan, the learned Additional Government Pleader, who accepts notices for the respondents.

2. The petitioner seeks for a Writ of Mandamus, directing the 3rd respondent to take appropriate action to remove the obstruction made by way of putting up fencing at Survey No.36/327, Periyakalaiambathore Village, Palani Taluk, Dindigul District, in the light of the order passed by the 2nd respondent in his proceedings in Na.Ka.No.4231/18/A6, dated 13.10.2018.

3. Though the petitioner states that some people have put up fence preventing his access to the house property, the petitioner has not impleaded those persons as respondents. However, we find that the representation given by the petitioner has been forwarded by the Tahsildar, Palani, to the Executive Officer, Neikarapatti Town Panchayat, Palani Taluk, the 4th respondent herein, on 04.03.2019 for taking action. Further, the learned counsel submitted that the 4th respondent has taken action and issued notice to one Chinnakannu W/o Arumugam to remove the fence. We find that this notice is dated 23.10.2018. Therefore, we should grant reasonable time to the 4th respondent to take action because he has to issue notice to the encroachers, which even according to the petitioner, they are more than 40 in numbers. Therefore, we direct the 4th respondent to proceed in accordance with law, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

1.The Sub Collector,
O/o.the Sub Collector Office,
Palani, Dindigul District.

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



2.The Tahsildar,
O/o.the Tahsildar Office,
Palani,
Dindigul District.

WEB COPY

3.The Assistant Director (Town Panchayat)
O/o.the Collectorate Office,
Dindigul,
Dindigul District.

4.The Executive Officer,
Neikarapatti Town Panchayat,
Neikarapatti, Palani Taluk,
Dindigul District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-97701[F] dated
12/11/2019)

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