



WEB COPY

**W.P.(MD)No.19755 of 2019**

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 THARANI**

**W.P. (MD)No.19755 of 2019**

**and**

**W.M.P. (MD)No.16244 of 2019**

R.Thirumalaisamy

... Petitioner

Vs.

1.The District Collector,  
Dindigul District, Dindigul.

2.The Tahsildar,  
Dindigul West Taluk,  
Dindigul District.

3.The Block Development Officer,  
Reddiyarchathiram Union,  
Reddiyarchathiram,  
Dindigul District.

4.The Assistant Electricity Engineer,  
The Assistant Electricity Engineer Office,  
Puduchathiram,  
Moolachathiram Post,  
Dindigul West Taluk.

..Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 not to dispossess the petitioner from his land and Well in S.F.No.350/3 to an extent of 2 acres 37 cents situated at Neelamalaikottai Village, Dindigul West Taluk, Dindigul District without following the due process of law.

For Appellant : Mr.V.Muthukamatchi

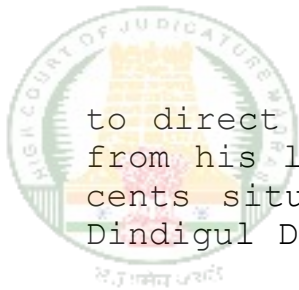
For R1 and R2 : Mr.A.K.Baskara Pandian  
Special Government Pleader

For R3 : Mr.A.Muthukaruppan  
Additional Government Pleader

**JUDGMENT**

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

<https://hcservices.ecourts.gov.in/hcservices/> This writ petition has been filed praying writ of mandamus



to direct the respondents 1 to 3 not to dispossess the petitioner from his land and Well in S.F.No.350/3 to an extent of 2 acres 37 cents situated at Neelamalaikottai Village, Dindigul West Taluk, Dindigul District.

2. According to the petitioner, he is the absolute owner of the land and Well and to substantiate the said stand, the learned counsel for the petitioner has drawn attention of this Court to the patta granted in favour of the petitioner in Patta No.367. The fact that whether there is any encroachment or not in a Government land has to be examined by the respondents 2 and 3 and we cannot do that in a writ proceedings. The fourth respondent has also taken steps to disconnect the electricity supply and the petitioner has filed a suit in O.S.No.74 of 2019 before the Principal District Munsif Court, Dindigul and though notice was served on the fourth respondent, none appeared before the Court and the civil Court has granted an order of injunction, which has been periodically extended and the last such extension is dated 18.07.2019 and the matter was directed to be posted on 30.07.2019. It is not known as to what happened thereafter and it is not known why the fourth respondent did not appear before the civil Court, when notice was received.

3. The petitioner now claims that he is the absolute owner of the property and patta stands in his name. These aspects have to be enquired by the third and fourth respondents. Hence, we direct the third and fourth respondents to conduct an inspection of the property in question and ascertain as to whether there is any encroachment and such enquiry to be conducted in the presence of the petitioner. If it is found that there is encroachment, the same shall be removed within a period of one week from the date of such inspection is made. The fourth respondent is directed to effectively defend the civil proceedings initiated by the petitioner.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The District Collector,  
Dindigul District, Dindigul.

2.The Tahsildar,  
Dindigul West Taluk,  
Dindigul District.

3.The Block Development Officer,  
Reddiyarchathiram Union,  
Reddiyarchathiram,  
Dindigul District.

4.The Assistant Electricity Engineer,  
The Assistant Electricity Engineer Office,  
Puduchathiram,  
Moolachathiram Post,  
Dindigul West Taluk.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate ( SR-87091[F] dated 17/09/2019 )

+1 CC to M/s.AAYIRAM.K.SELVAKUMAR, Advocate ( SR-87064[F] dated 17/09/2019 )

**ORDER MADE IN**  
**W.P. (MD)No.19755 of 2019**  
**16.09.2019**

\_KM/ (03.10.2019) 3P 7C