



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.22028 of 2019

WEB COPY

R.Nallathambi : Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk Office,
Dindigul District.

3.The Block Development Officer,
Sanarpatty Union,
Sanarpatty,
Dindigul East Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents herein to remove the illegal encroachments made in Survey Numbers 1866/2011, 1864/15 and 1866/8 situated in Kambiliyampatti Village, Dindigul East Taluk, Dindigul District, classified as Public pathway as well as common village land within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.R.Thangapandian

For Respondents 1&2 : Mr.A.K.Baskara Pandian

Special Government Pleader

For Respondent No.3 : Mr.P.Kannidevan

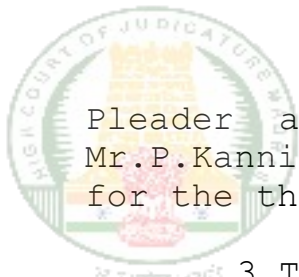
Additional Government Pleader

O R D E R

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

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.R.Thangapandian, learned Counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government



Pleader appearing for the first and second respondents and Mr.P.Kannidevan, learned Additional Government Pleader appearing for the third respondent.

3.The petitioner seeks for a direction upon the respondents to remove the illegal encroachments made in Survey Numbers 1866/2011, 1864/15 and 1866/8 situated in Kambiliyampatti Village, Dindigul East Taluk, Dindigul District, classified as Public pathway as well as common village land.

4.The grievance of the petitioner is that in spite of the specific direction issued by the Tahsildar vide proceedings dated 13.09.2019, no effective steps have been taken. Admittedly, the petitioner has not impleaded any of the alleged encroachers. In such circumstances, we cannot be compelled to issue any specific direction as sought for by the petitioner. However, we note that the Tahsildar has already issued necessary instructions to the FIRCA Revenue Inspector to survey the area and take further action.

5.In the light of the same, we direct the second respondent to take follow up action pursuant to his proceedings dated 13.09.2019, and proceed in accordance with law as expeditiously as possible, preferably within a period of three [3] months from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk Office,
Dindigul District.



3.The Block Development Officer,
Sanarpatty Union,
Sanarpatty,
Dindigul East Taluk,
Dindigul District.

+1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-92816[F] dated
18/10/2019)

+1 CC to M/s.SPL GP (SR-93282[F] dated 21/10/2019)

Order made in
W.P. [MD]No.22028 of 2019
Dated: **18.10.2019**

KM/(05.11.2019) 3P 6C