



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7702 of 2020

and

W.M.P. (MD)No. 7190 of 2020

M.Parthiban

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Gujiliyamparai Taluk,
Dindigul District.

4. M.Thangaraj

5. Rajiv Gandhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th and 5th respondents in the public pathway in respect of S.F.No.281 and 424 to an extent of 0.23.5 hectors and 0.44.5 hectors respectively situated at Ponampatti, R.Vellodu Post, Gujiliyamparai Taluk, Dindigul District classified as "Vandipathai Porompoke" on the representations of the petitioner dated 16.03.2020 to the respondents 1 to 3.

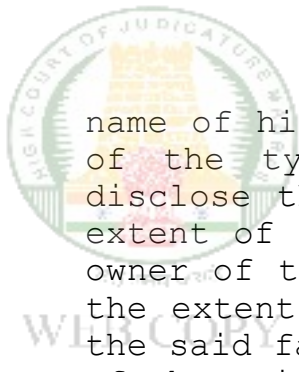
For Petitioner	:	Mr. S.Gokul Raj
For Respondents 1 to 3	:	Mr. V.R.Shanmuganathan, Special Government Pleader

O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

Though the petitioner in his affidavit filed in support of this writ petition has averred that he is an agriculturist having land in S.F.No.419-1 situated at Ponampatti, R.Vellodu post, Gujiliyamparai Taluk, Dindigul District and that patta stands in the

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



name of his father namely Mr.Manoharan, on a perusal of page No.24 of the typed set of documents, filed by the petitioner, would disclose that apart from the said land which is admeasuring to the extent of 0-74.00 hectare, the father of the petitioner is also the owner of the lands in S.No.418/7, 420/2C and 420/2D, admeasuring to the extent of 0-40.00, 0-2.00 and 1-94.00 hectares respectively and the said fact has not been averred in the affidavit filed in support of the writ petition.

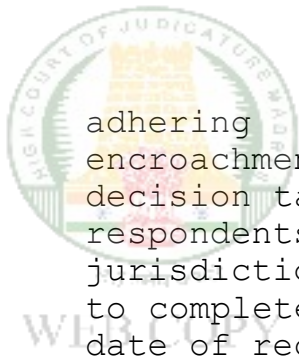
2. Be that as it may, it is the submission of the learned counsel appearing for the petitioner that as per the 'A register ' of R.Vellodu village, the S.F.No.281 as well as S.F.No.424 are classified as "Cart Track" and the private respondents have made encroachments upon the same and also put up a construction without any authorisation, by augmenting the public pathway. The petitioner aggrieved by the said illegal act on the part of the private respondents, has also submitted a representation dated 16.03.2020 to the respondents 1 to 3 and despite receipt of acknowledgement, no action has been taken to remove the encroachments and therefore, the petitioner is constrained to approach this Court by way of filing this writ petition.

3. The learned counsel appearing for the petitioner, in support of his submissions, had drawn the attention of this Court to the photographs filed in his typed set of documents at pages 30 to 31.

4. Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and he would submit that in the light of the representation made by the petitioner, the third respondent with the help of the jurisdictional Surveyor would cause inspection, after putting on notice to the respondents 4 and 5 and any other encroachers, and depending upon the result of the inspection, appropriate action will be taken in accordance with law within a stipulated time frame.

5. This Court has considered the rival submissions and also perused the material placed before it.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in his representation dated 16.03.2020 or in this writ petition, directs the third respondent to cause inspection of the land in question with the help of the jurisdictional surveyor and with the aid of the relevant revenue records, after putting the respondents 4 and 5 and other persons, if any, who are said to be in occupation of S.F.No.281 and 424 of R.Vellode village, on notice and depending upon the result of the inspection, shall take appropriate action in accordance with law within a stipulated time frame by



adhering to the principles of natural justice, remove the encroachment as expeditiously as possible, and communicate the decision taken, to the petitioner as well as to the fourth and fifth respondents and other occupants, if any, and also to the jurisdictional Surveyor concerned. The third respondent is directed to complete the entire exercise within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/C'S)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pkn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The District Collector,
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W.P. (MD)No.7702 of 2020
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KB(28.07.2020) 3P 4C