



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.8709 of 2021

R.R.Saravana Balagurusamy

...Petitioner

-Vs-

1.The District Collector,
District Collector Campus,
Dindigul, Dindigul District.

2.The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul.

3.Thasildar,
Taluk Office, Dindigul (East)
Dindigul District.

4.Block Development Officer,
Union Office, Dindigul.

5.R.Ayyalu

6.A.Raman

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment existing in the Survey Nos.729/1 and 729/29 in Kasthuri Nayakkan Patty Village, Periya Kottai (PO), Dindigul District on the basis of representation dated 01.12.2020 made by the petitioner to the respondents 1 to 4.

For Petitioner : Mr.C.S.Ravichandran

For Respondents : Mr.Ku.Muthu,

Addl. Govt. Pleader for R1 to R3

Mr.J.Gunaseelan Muthiah,

Addl. Govt. Pleader for R4

ORDER

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

The petitioner by way of this Writ Petition, styled as a Public Interest Litigation, seeks for a direction upon the respondents 1 to 4 to remove the encroachment existing in the Survey Nos.729/1 and 729/29 in Kasthuri Nayakkan Patty Village, Periya Kottai (PO), Dindigul District, on the basis of representation dated 01.12.2020 made by the petitioner to the respondents 1 to 4.



2. Heard Mr.C.S.Ravichandran, learned counsel appearing for the petitioner, Mr.Ku.Muthu, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3 and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who accepts notice on behalf of fourth respondent.

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3. Since we are not inclined to issue any positive direction in this Writ Petition, notice to the respondents 5 and 6 is dispensed with.

4. From the records placed before this Court, we see that from July 2020 onwards, hierarchy of the authority have issued directions to survey the area and ascertain that there are any encroachment and taken action.

5. The learned Additional Government Pleader appearing for respondents 1 to 3 submitted that survey has been conducted and report has been forwarded by the Tahsildar on 30.08.2020, to the Block Development Officer, who in turn, forwarded the same to the President of the Village Panchayat, but, no action has been taken.

6. The learned Additional Government Pleader appearing for the fourth respondent submitted that the land is classified as gramanatham.

7. However, this information appears to be incorrect, because the classification is Sarkar Poramboke gramanatham. If it is so, unless and until a patta had been granted, no person has got any vested right to squat in a Sarkar Poramboke gramanatham.

8. Therefore, if any action should be initiated by the fourth respondent and by the President of the Panchayat, but before that notice should be given to the respondents 5 and 6 and thereafter, to proceed in accordance with law.

9. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (P&A)

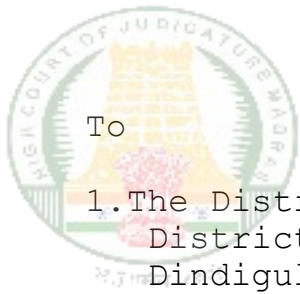
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Sub Assistant Registrar(CS)

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.

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



To

1.The District Collector,
District Collector Campus,
Dindigul, Dindigul District.

2.The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul.

3.Thasildar,
Taluk Office, Dindigul (East)
Dindigul District.

4.Block Development Officer,
Union Office, Dindigul.

+1 CC to M/s.SPL GP (SR-18060[F] dated 29/04/2021)

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-18109[F] dated
30/04/2021)

+1 CC to M/s.C.S.RAVICHANDRAN, Advocate (SR-18157[F] dated
30/04/2021)

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SVN(CO)
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