



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.4457 of 2021

R.Nagammal

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul District.

3.The Tahsildar,
Dindigul East Taluk,
Nagal Nager, Dindigul District.

4.P.Sundar Raj

5.P.Murugavel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the Encroachment made by the respondents 4 and 5 in respect of Survey No.540/2 situated at Mullipadi Village, Dindigul East Taluk, Dindigul District based on the petitioner's representation dated 01.02.2021 within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.N.Marimuthu

For Respondent Nos.1 to 3 : Mr.A.K.Manickam
Standing Counsel for Government

For Respondent Nos.4 & 5 : Mr.S.Vinod Sathya Lazar
* * * * *

ORDER

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

The petitioner, by way of this Writ Petition, seeks for a direction to respondent Nos.1 to 3 to remove the Encroachment made by respondent Nos.4 and 5 in respect of Survey No.540/2 situated at Mullipadi Village, Dindigul East Taluk, Dindigul District.



2. Referring to the copy of the 'A' Register, it is submitted that Survey No.540/2 situated at Mullipadi Village, Dindigul East Taluk, Dindigul District has been classified as Cart Track and respondent Nos.4 and 5 have encroached upon the same.

WEB COPY

3. Learned counsel for respondent Nos.4 & 5 submitted that already order of eviction has been passed and respondent Nos.4 and 5 have filed appeal before the District Collector on 15.01.2021 and since no order was passed in the appeal, they have filed W.P.(MD) No.1445 of 2021, which was disposed of on 01.02.2021 to consider the appeal petition.

4. Learned counsel for the petitioner and learned Standing Counsel for Government appearing for respondent Nos.1 to 3 submitted that the said order, which is pending appeal, is in respect of another survey number and the petitioner's representation is with respect to Survey No.540/2, Mullipadi Village, which is classified as Vandipathai and the Tahsildar, Dindigul East Taluk has already issued appropriate directions to the Block Development Officer, Dindigul East Taluk for removal of the encroachment.

5. In view of the above, we direct the Block Development Officer, Dindigul East Taluk to take appropriate steps for removal of encroachment in Survey No.540/2, Mullipadi Village in accordance with law, after issuing notice to the petitioner and respondent Nos.4 and 5. This direction shall be complied within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul District.
- 3.The Tahsildar,
Dindigul East Taluk,
Nagal Nager,
Dindigul District.

Copy to

The Block Development Officer,
Dindigul East Taluk,
Dindigul District.

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-20507[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20675[F] dated 30/06/2021)

W.P. (MD)No.4457 of 2021
28.06.2021

SSS(CO)
TR(05.07.2021) 3P 7C