



WEB COPY

W.P.(MD)No.6535 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.6535 of 2021

(Through Video Conferencing)

C.Thangam : Petitioner

Vs.

- 1.The District Collector
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul District, Dindigul.
- 3.The Tahsildar,
Nilakottai Taluk
Dindigul District.
- 4.The President,
Sithargalnatham Panchayat,
Sithargalnatham Village,
Nilakottai Taluk
Dindigul District.
- 5.K.Karnan
- 6.K.Rajesh
- 7.M.Thavappudhalvan
- 8.M.Sakthivel
- 9.M.Chellapandi
- 10.K.Nagaraj
- 11.K.Rajangam
- 12.S.Sivakumar
- 13.T.Vijayalakshmi
- 14.C.Maharajan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 3 to measure Sarkar poramboke lands comprised in Survey nos.231/18 and 231/21 of Paraiyapatti Village Hamlet of Sithargalnatham Revenue Village to demarcate the extent and boundaries fixing time limit.

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



For Petitioner : Mr.T.K.Gopalan
For Respondents : Mr.K.P.Krishnadoss for R1 to R3
Special Government Pleader

ORDER

WEB COPY (Order of the Court was made by M.M.SUNDRESH, J.)

In pursuant to the representation made seeking a direction to survey the land and remove the encroachment, reliance has been made on the representation made followed by the reply given by the Deputy Tahsildar, Nilakottai dated 10.02.2021.

2. The learned Special Government Pleader submitted that in the aforesaid communication dated 10.02.2021, it has been stated that measurement could not be done in view of the law and order problem. In fact, earlier measurement was done, but the survey stones have been removed and the peace committee meeting also ended in failure.

3. As we are not passing any positive order, there is no need to hear the private respondents.

4. We are of the view that the objections from the private respondents cannot be sustained, as the official respondents are expected to do their lawful duty. If there is any objection, they have the assistance of the police.

5. In such view of the matter, measurement will have to be made with the assistance of the police. For taking measurement, no permission is required from any private party. It is only when an encroachment is found, the consequential action would be required.

6. In such view of the matter, we direct the respondent Nos.1 to 3 to once again undertake the process of measurement within four weeks from the date of receipt of a copy of this order. Based upon the aforesaid measurement, consequential action will have to be taken within a further period of eight weeks thereafter.

7. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

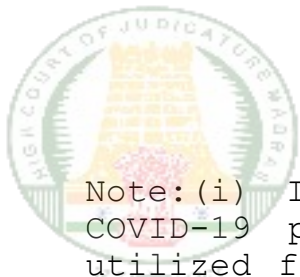
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/ /2021

Sub Assistant Registrar(CS)

RR

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



Note:(i) 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,
Dindigul District
Dindigul.

3.The Tahsildar,
Nilakottai Taluk
Dindigul District.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-13335[F] dated 24/03/2021)

+1 CC to M/s.SPL GP (SR-13565[F] dated 25/03/2021)

Order made in
W.P. (MD)No.6535 of 2021
Dated: 24.03.2021

pm(CO)
TR(17.04.2021) 3P 6C