



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.4782 of 2020

Dharmar

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Dindigul,
Dindigul (District).
- 2.The Assistant Director of Town Panchayats,
Dindigul,
Velunachiyar (Campus),
Dindigul (District).
- 3.The Tahsildar,
Nilakkottai Taluk,
Nilakkottai,
Dindigul (District).
- 4.The Executive Officer,
Nilakkottai Town Panchayat,
Nilakkottai,
Dindigul (District).
- 5.Varthagar Sangam,
Represented by its Secretary,
S.S.Rajendran,
3-3-1, Madurai Veeran Kovil Street,
Nilakkottai,
Dindigul (District).
- 6.Mr.Krishnasamy
- 7.Mr.Manickam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondent Nos.1 to 4 to remove the encroachments made by the Respondent Nos.5 to 7 in the street bearing survey No.688/6 and to restore the street in and around the said Arulmigu Maduraiveeran in Nilakkottai (Town), Dindigul (District) based on the Petitioner's representation dated 21.09.2019.

For Petitioner : Mr.V.Selva

For Respondent Nos.1 to 4 : Mr.K.P.Krishnadass
Special Government Pleader

For Respondent Nos.5 to 7 : Mr.R.R.Kannan

**ORDER**

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

The writ petition, styled as a Public Interest Litigation, has been filed, seeking for issuance of a Writ of Mandamus, directing Respondent Nos.1 to 4 to remove the encroachments made by the Respondent Nos.5 to 7 in the street bearing survey No.688/6 and to restore the street in and around the said Arulmigu Maduraiveeran in Nilakkottai (Town), Dindigul (District), based on the Petitioner's representation dated 21.09.2019.

2.Learned Special Government Pleader appearing for respondent Nos.1 to 4 on instructions submitted that already notice has been issued to respondent Nos.5 to 7 on 16.04.2021, fixing the date of survey on 28.04.2021.

3.Learned counsel for the petitioner would submit that encroachments are in and around Arulmigu Maduraiveeran Temple and the road margins etc., This allegation is denied by the learned counsel for respondent Nos.5 to 7 stating that they are having documents, which are ancient documents, and it would establish the truth and opportunity may be given to the fifth respondent to produce all those documents to establish that there is no encroachment in the public land.

4.In view of the above, the official respondents are directed to conduct the survey, which is scheduled to be conducted on 28.04.2021, and thereafter, take action in accordance with law, after affording an opportunity of personal hearing to respondent Nos.5 to 7.

5.The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// 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,
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Dindigul,
Dindigul (District).
- 2.The Assistant Director of Town Panchayats,
Dindigul,
Velunachiyar (Campus),
Dindigul (District).
- 3.The Tahsildar,
Nilakkottai Taluk,
Nilakkottai,
Dindigul (District).
- 4.The Executive Officer,
Nilakkottai Town Panchayat,
Nilakkottai,
Dindigul (District).

+2 CC to M/s.RR KANNAN, Advocate (SR-17026[F]dated
22/04/2021)

+1 CC to M/s.SPL GP (SR-17143[F] dated
22/04/2021)

W.P. (MD) No. 4782 of 2020

21.04.2021

RK(11.05.2021) 3P 8C