



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.8318 of 2021

WEB COPY

S.Raguramakrishnan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul.

4.M.O.Mayathevar

5.M.Peiyammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachment made by the respondents 4 and 5 in Ward-2 Block No.6, Old Town Survey No.79 0.1852.0 sq.meter of the Government Oodai porampoke land and to take appropriate action against the respondents 4 and 5 by way of considering the petitioner's representation dated 18.03.2020.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents 1&3 : Mr.K.MU.Muthu
Additional Government Pleader

For Respondent No.2 : Mr.J.Lawrance
Standing Counsel

O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.Aayiram K.Selvakumar, learned Counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government

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Pleader, appearing for respondents 1 and 3, and Mr.J.Lawrance, learned Standing Counsel appearing for the second respondent.

3.Since we are disposing of the writ petition in the admission stage without issuing any positive direction, notice to respondents 4 and 5 is dispensed with.

4.The petitioner alleges that the respondents 4 and 5 have encroached upon an Odai Poramboke in Survey No.79. In this regard, representation has been submitted on 18.03.2020, which has not been considered and therefore, the petitioner is before this Court by way of this writ petition.

5.The learned Standing Counsel appearing for the Dindigul City Municipal Corporation, submitted that he has received instructions from the Municipality that there is an encroachment and action will be initiated in accordance with law and appropriate directions may be issued.

6.In this regard, it will be worthwhile to refer to the proceedings of the Commissioner, Dindigul Municipality dated 22.01.2021, by which a reply was submitted to the office of the Hon'ble Chief Minister's special cell, which also shows that there is encroachment.

7.In the light of the above, the second respondent, Dindigul City Municipal Corporation is directed to issue notice to respondents 4 and 5, stating as to what is the nature, extent and type of encroachment and give them an opportunity to show cause and after receiving the reply, if any, action be initiated in accordance with law. The above direction be complied with within a period of eight [8] weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (W)

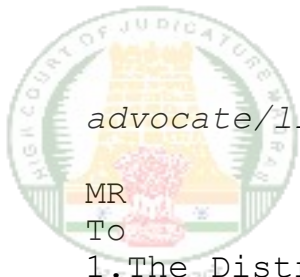
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/ /2021

Sub Assistant Registrar(CS)

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advocate/litigant concerned.

MR

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul.

+1 CC to M/s.SPL GP (SR-17346[F] dated 23/04/2021)

ORDER MADE IN
W.P. [MD]No.8318 of 2021
22.04.2021

GS (10.06.2021) 3P 5C