



WEB COPY

W.P. (MD) No. 9952 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) No. 9952 of 2020

and

W.M.P. (MD) No. 8912 of 2020

M. Senthil Murugan

: Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Dindigul District,
Dindigul.

2. The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3. The General Manager (Dairying),
Dindigul District Co-operative Milk Producer,
Co-operative Society, East Govindapuram,
Dindigul.

4. The Chairman,
Dindigul District Co-operative Milk Producer,
Co-operative Society,
East Govindapuram,
Dindigul.

5. The Joint Director,
Animal Husbandry Department,
Collectorate, Velunatchiyar Campus,
Dindigul District.

6. The President,
MS257, Harijan Primary Milk Producers Co-operative Society,
Dharmathupatti, Dindigul West Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the 2nd respondent to comply with the order passed by the 1st respondent in O.Mu.No.13892/2020/D2, dated 18.07.2020 by removing the encroachment made in S.No.180/1, Old Kannivadi Village, Dharmathupatti, Dindigul District.



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For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by
Mr.K.P.Krishnadoss,
Special Government Pleader
for R.1, R.2 & R.5
and
Mr.E.Mareeskumar
for R.3, R.4 & R.6

ORDER

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

The petitioner has come forward to file this writ petition seeking a direction to the second respondent to remove the encroachment made in S.No.180/1, Old Kannivadi Village, Dharmathupatti, Dindigul District, by complying with the order passed by the first respondent dated 18.07.2020.

2. The learned Additional Advocate General appearing for the respondents, placing reliance upon the counter affidavit filed by the third respondent, submitted that the fourth respondent has voluntarily removed the encroachment made.

3. The aforesaid submission is also in tune with the averment made in paragraph no.13 of the counter affidavit, which is extracted as under:

"13.It is respectfully submitted that as alleged now there is no encroachment in said Survey No.180/1 with due respect this 4th respondent voluntarily removed the encroachment made in the above Survey Number. Further the 6th Respondent is a Government Body functioning with the aid and assistance of the Government for the welfare of the Harijan Community in the village. Thus, it is seen there is no willful or wanton encroachment of the Government Poramboke Land. The above Writ Petition is misconceived based on unfounded and baseless allegations."

4. In the absence of any contra materials, we are of the view that the encroachment has been removed duly.

5. The submission made by the learned Standing Counsel appearing for the sixth respondent that before starting the operation, appropriate permission from the Pollution Control Board will be obtained stands recorded.



6. In fine, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

gk

To

1. The District Collector,
Collectorate Building,
Dindigul District,
Dindigul.

2. The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3. The Joint Director,
Animal Husbandry Department,
Collectorate, Velunatchiyar Campus,
Dindigul District.

+1 CC to M/s. SPL GP (SR-10912, 11214[F] dated 12/03/2021)

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VB (23.03.2021) 3P 5C