



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

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W.P. (MD) No.10758 of 2021
W.M.P. (MD) No.8377 of 2021

P.Selvam

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Naththam Taluk,
Dindigul District.
- 3.The Panchayat Office,
Senthurai Village Panchayat,
Naththam Taluk,
Dindigul District.

4.Xaviour

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 herein to restrain the 4th respondent from creating obstruction in the public pathway comprised in S.No.377/5B1, situated at Senthurai Village, Naththam Taluk, Dindigul District in consideration of petitioner's representation dated 10.05.2020 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner

: Mr.G.Thalaimutharasu

For Respondent Nos.1 & 2

: Mr.A.K.Manickam

Standing Counsel for Government

ORDER

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

The petitioner seeks for a direction upon respondents 1 to 3 herein to restrain the 4th respondent from creating obstruction in the public pathway comprised in S.No.377/5B1, situated at Senthurai Village, Naththam Taluk, Dindigul District.

2.Since we are disposing of this Writ Petition without notice to the fourth respondent, we are not issuing any positive direction.



3.Learned Standing Counsel for Government, appearing for respondent Nos.1 and 2, on instruction submitted that there is no encroachment in S.No.377/5B1, but there is encroachment in S.No.377/2 and the petitioner is also an encroacher.

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4.If the authority finds any encroachment made, either by the petitioner or 4th respondent or any other person, action should be initiated. There should not be any discrimination. Therefore, we direct respondent Nos.1 and 2 to look into the matter and if any survey is necessary, the same shall be done after issuing notice to the concerned persons in the entire area in question and appropriate action be taken in accordance with law as expeditiously as possible.

5.The Writ Petition stands disposed of with the above direction and observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// 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 Tahsildar,
Natham Taluk,Dindigul District.

+1 CC to M/s.SPL GP (SR-21020[F] dated 02/07/2021)

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