



WEB COPY

W.P.[MD]No.10874 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10874 of 2021

K.Kuppusamy

... Petitioner

Vs.

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

2.The Sub Collector,
Palani, Dindigul District.

3.The Tahsildar,
Oddanchatram Taluk,
Oddanchatram,
Dindigul District.

4.Kuppusamy

5.Palanichamy

6.Chellathal

7.Vellai Kannu

... 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 to evict the encroachment made by the respondents 4 to 7 of common path available in the survey numbers 853/3, 852/2, 837/1, 838/2 and 840 of Porulur Revenue Village, Oddanchatram Taluk, Dindigul District and make available width of the common path as per the measurement of FMB sketch to the common use of public people.

For Petitioner : Mr.K.K.Samy

For Respondents 1 to 3 : Mr.R.Baskaran

Standing Counsel for Government

O R D E R

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

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



2.We have heard Mr.K.K.Samy, learned Counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents 1 to 3.

3.Since we are disposing of the writ petition without notice to the private respondents 4 to 7, who are alleged to be encroachers, we are not inclined to issue any positive direction. However, we find that the representation given by the petitioner dated 07.09.2020, has evoked response from the authorities and the office of the District Collector has forwarded the representation to the Tahsildar, Oddanchatram, for appropriate action by memo dated 21.09.2020. The Revenue Divisional Officer, Palani, has also forwarded the representation of the Tahsildar by memo dated 19.09.2020, for appropriate action.

4.Probably due to lock down and pandemic situation, authorities have not taken any action. In any event, without notice to the respondents action cannot be taken for removal of encroachment. Therefore, we direct the Tahsildar, Oddanchatram, the third respondent herein to proceed further, pursuant to the representation given by the petitioner which has been forwarded by the District Collector as well as the Revenue Divisional Officer, by memos dated 21.09.2020 and 19.09.2020, respectively and take action in accordance with law, after notice of all concerned, as expeditiously as possible.

5.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
Collectorate,
Dindigul District,
Dindigul.

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



2. The Sub Collector,
Palani, Dindigul District.

3. The Tahsildar,
Oddanchatram Taluk,
Oddanchatram,
Dindigul District.

+1 CC to M/s.K.K.SAMY, Advocate (SR-20970[F] dated 02/07/2021)

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RC (14.07.2021) 3P 5C