



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.11932 of 2021

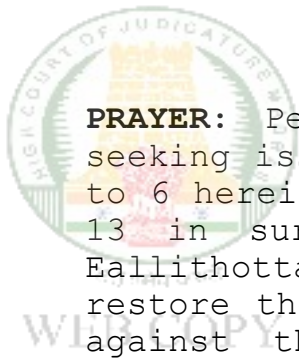
G.Mercy Jebamani

.. Petitioner

Vs

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Palani Taluk,
Dindigul District.
4. The Block Development Officer,
Village Panchayat, Palani.
5. The President,
Amarapoondi Village Panchayat,
Dindigul District.
6. The President,
Mollampatti Village Panchayat,
Dindigul District.
7. Kesavaraj
8. Segamalai Gounder
9. Naatuthurai
10. Shanmugam
11. Dharmaraj
12. Poongodi
13. Karuppasamy

... Respondents



PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 6 herein to remove the encroachment made by the respondents 7 to 13 in survey No.215 and 227 of the Government Cart Road in Eallithottam, Rukkuvarpatti, Amarapatti Post, Dindigul District and restore the same as per the records and to take appropriate action against the respondents 7 and 13 by way of considering the petitioner's representation dated 18.01.2021.

For Petitioner : Mr.Aayiram K.Selvakumar

For respondents : Mr.A.K.Manickam,,
Standing Counsel for
Government
for R1 to R3
Mr.P.Subbaraj for R4

ORDER

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

Heard Mr.Aayiram K.Selvakumar, learned Counsel appearing for the writ petitioner; Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1 to 3 and Mr.P.Subbaraj, learned counsel appearing for the fourth respondent.

2. The petitioner by way of this writ petition seeks for a direction upon the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 13 in survey No.215 and 227 of the Government Cart Road in Eallithottam, Rukkuvarpatti, Amarapatti Post, Dindigul District and restore the same as per the records, based on the petitioner's representation dated 18.01.2021.

3. Admittedly, a survey has been conducted on 05.11.2020 and according to the official respondents, the length of the road is one kilo metre and in certain place, the width of the road is 36 feet and in other places, it narrows down and it is around 10 to 12 feet.

4. The third respondent had instructed the learned Government Counsel that the road has been formed after survey. The petitioner alleges that till date the exact width of the road has not been restored and still there are encroachments and in this regard, various representations were given and those representations have been directed to be looked into by the fourth respondent by the communication of the District Collector in O.Mu.No.2474/2021/D2 dated 25.01.2021.

5. The petitioner's grievance is that in spite of such communication, no further action has been taken. Though the official respondents have stated that the encroachments have been removed and



road has been formed, yet there is further representation given, which has been forwarded by the District Collector to the Block Development Officer and Assistant Director of Village Panchayat, for appropriate action.

6. Therefore, we direct the Block Development Officer to look into the grievance expressed by the petitioner and if there is still encroachment in existence, proper procedure may be followed after issuing notice and necessary action be taken in accordance with law.

7. The above direction be complied with within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this **writ petition stands disposed of**. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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 Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Palani Taluk,
Dindigul District.
4. The Block Development Officer,
Village Panchayat, Palani.

+1 CC to M/s.GP (SR-23326[F] dated 20/07/2021)