



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM :

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**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAISWAMY**

W.P. (MD) No.15531 of 2021

K.M.Thirupathy

... Petitioner

Vs

1.The Chief Secretary,
Secretariat,
St. George Fort,
Chennai - 9.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Commissioner,
Palani Township,
Palani,
Dindigul District.

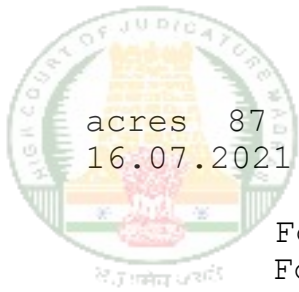
4.The District Surveyor,
Dindigul District,
Dindigul.

5.The Settlement Officer,
Inam Abolition and Ryotwari,
Dindigul District.

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the fourth respondent to survey the entire land of Ward No.3, Block No.16, Old Survey No.92, Resurvey No.794, New Town Survey No.837 to an extent of 3 acres 87 cents as per the Settlement Register which is issued by the fifth respondent, dated 06.12.2013 and fix the boundaries and directing the respondents 1 to 3 to remove the unauthorized encroachments from the land situated in Dindigul District, Palani Township in Town Survey Register, Ward No.3, Block No.16, Old Survey No.92, Resurvey No.794, New Town Survey No.837 to an extent of 3

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acres 87 cents based on the petitioner's representation, dated 16.07.2021 within the time limit as fixed by this Court.

For Petitioner : Mr.R.M.Suresh
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains that substantial part of the land at Ward No.3, Block No.16, Old Survey No.92, Resurvey No.794, New Town Survey No.837 measuring 3 acre 87 cents has been occupied by encroachers in Palani Township, Dindigul. The petitioner's further grievance is that representations to the respondent authorities have not yielded any positive result.

2.Mr.P.Thilak Kumar, learned government pleader appearing for the official respondents, submits that the Commissioner of Palani Township would be the appropriate authority to look into the petitioner's grievance.

3.Accordingly, W.P(MD).No.15531 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation to the third respondent Commissioner of Palani Township in respect of the matters complained of. Upon receipt of the representation, the concerned official will conduct an inquiry after giving due notice to all persons who may be affected thereby. If the Commissioner finds that there is any encroachment, the Commissioner will take immediate appropriate steps in accordance with law to remove all the encroachments.

4.At any rate, the Commissioner will communicate a reasoned decision following the Commissioner's inquiry to the petitioner and to others who may be affected thereby, within a period of three months of the receipt of the petitioner's representation.

5.It is submitted by the respondent authorities that some of the perceived encroachers may have been allotted patta in respect of the lands that they occupy. However, such aspect of the matter will also be looked into by the Commissioner while conducting his inquiry.

There will be no order to costs.

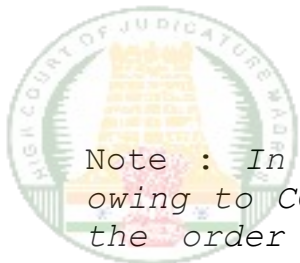
Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Chief Secretary,
Secretariat,
St. George Fort,
Chennai - 9.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Commissioner,
Palani Township,
Palani,
Dindigul District.
- 4.The District Surveyor,
Dindigul District, Dindigul.
- 5.The Settlement Officer,
Inam Abolition and Ryotwari,
Dindigul District.

+1 CC to M/s.R.M.SURESH, Advocate (SR-30611[F] dated 29/09/2021)

+1 CC to M/s.SPL.GP (SR-30495[F] dated 28/09/2021)

W.P.(MD) No.15531 of 2021
27.09.2021

MGJ(06.10.2021) 3P 8C