



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.15723 of 2020

and

W.M.P. (MD)No.13176 of 2020

WEB COPY

Vadagadu Oor Podumakkal,
Rep. by A.Nagaraj,
S/o.Arumugam,
Vadagadu Post,
Oddanchatram Taluk,
Dindigul District.

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

3.The Block Development Officer,
(Village Panchayat)
Oddanchatram Taluk,
Dindigul District.

4.The Panchayat President,
Vadagadu Panchayat,
Oddanchatram Taluk,
Dindigul District.

5.Kalaiyarasi, W/o.Veerakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in respect of Survey No.858/36 at Vadagadu Village, Oddanchatram Taluk, Dindigul District, by considering the representations dated 10.08.2020 and 24.10.2020 of the petitioner and general public.

For Petitioner	:	Mr.S.Siva Thilakar
For R1 and R2	:	Mr.K.Mu.Muthu
		Additional Government Pleader
For R3 and R4	:	Mr.J.Lakshmi Prasanna
For R5	:	Mr.D.Venkatesh



ORDER

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

The Writ Petition has been filed alleging that the private respondent, namely, respondent No.5 is putting up un-authorized construction beyond the assigned patta given in her favour.

2.Learned Standing Counsel for the respondents 3 and 4 submitted that on inspection, it was found to be an un-authorized construction by encroaching public road. On such circumstances, the fourth respondent has issued a notice on 07.01.2021, stating that the un-authorized construction will have to be removed.

3.In view of the subsequent development, we direct the respondent No.4 to conclude the aforesaid proceedings by following due process of law. It is needless to say that the 5th respondent's reply has to be considered before passing the order. The 5th respondent is directed to give reply to the notice within two weeks from the date of receipt of a copy of this order. Till appropriate orders are passed by the fourth respondent, the fifth respondent's possession shall not be disturbed.

4.The Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Records)

// 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 District Collector,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,Dindigul District.

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-1922[F] dated 22/01/2021)

W.P. (MD) No.15723 of 2020
22.01.2021

PK (CO)

KB (05.02.2021) 2P 4C

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