



WEB COPY

W.P.(MD) No.19168 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.(MD) No.19168 of 2021

T.Perumal

.. Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani Revenue,
Palani,
Dindigul District.

3.The Tahsildar,
Vedasendur Taluk,
Dindigul District.

4.The Commissioner,
Panchayat Union,
Vadamadurai Union,
Dindigul District.

5.The Block Development Officer,
Vadamadurai Block,
Dindigul District.

6.Thiyagarajan

7.Saravanan

8.Chinnaiya

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus to direct the respondents 4 and 5 herein to remove the encroachments made by the respondents 6 to 8 on the Panchayat road situated in Survey No.375/5 at Vellapommanpatti Velvarkottai Village, Vedasendur Taluk, Dindigul District, within a time frame as stipulated by this Court.

For Petitioner : Mr.Sarvagan Prabhu

For Respondents : Mr.B.Saravanan

Government Advocate for R.1 to R.5



ORDER

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

The petitioner complains that respondents Nos.6 to 8 have put up constructions on a panchayat road and have impeded access of the others along such route.

2. The alleged encroachment is said to be at panchayat road covered by survey No.375/5 at Vellapommanpatti Velvarkottai Village, Vedasendur Taluk, Dindigul District.

3.Mr.B.Saravanan, learned Government Advocate, takes notice on behalf of respondent Nos.1 to 5 and submits that the third respondent-Tahsildar is the appropriate authority to look into the matter.

4. Accordingly, W.P(MD)No.19168 of 2021 is disposed of by permitting the petitioner herein to carry a fresh, detailed representation in respect of the matters complained of herein to the third respondent-Tahsildar of Vedasendur Taluk within four weeks from date. Immediately upon receipt of such representation, the Tahsildar will conduct an inquiry upon due notice to the petitioner, the private respondents and any other persons who may be affected thereby. The Tahsildar will give the private respondents an opportunity of hearing before finalising his report pursuant to the inquiry.

5. In the event the Tahsildar finds any encroachment as complained of, the Tahsildar will report the matter to the appropriate authorities for such authorities to take immediate expeditious steps in accordance with law to remove the encroachment.

6. Since the Tahsildar has been permitted to conduct an inquiry and the private respondents will have due notice of such inquiry in view of the aforesaid, no previous notice has been required to be issued on the private respondents. However, the petitioner would be obliged to immediately forward the copy of the petition and this order to the private respondents.

There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps/vsm

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



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.

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To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani Revenue,
Palani,
Dindigul District.
- 3.The Tahsildar,
Vedasendur Taluk,
Dindigul District.
- 4.The Commissioner,
Panchayat Union,
Vadamadurai Union,
Dindigul District.
- 5.The Block Development Officer,
Vadamadurai Block,
Dindigul District.

+1 CC to M/s.S. SARVAGANPRABHU, Advocate (SR-32724[F]
dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32833[F] dated 27/10/2021)

W.P. (MD) No.19168 of 2021

26.10.2021

SJ(CO)

GC/PM(09.11.2021) 3P 8C