



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)NO.21606 OF 2021

Tamilselvan

:Petitioner

.vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 4.The Tahsildar,
Athur Taluk,
Dindigul District.
- 5.The Block Development Officer,
Athur Taluk,
Dindigul.
- 6.The President,
Vakkampatti Panchayath,
Dindigul.
- 7.The Village Administrative Officer,
Vakkampatti,
Athur Taluk,
Dindigul.
- 8.Savarimuthu



10.Boomi

11.Arputham

12.Kuppayi

13.Kulanthairaj

14.The Secretary,
Vakkampatti Panchayath,
Athur Taluk,
Dindigul.

15.Selvam

16.Kanga : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the encroachment made by the respondents 8 to 16 and some other village persons in S.No.128, Common pathway in Vakkampatti Village, Athur Taluk, Dindigul District within the period stipulated by this Court.

For Petitioner :Mr.P.Manikandan

For Respondents :Mr.B.Saravanan
1 to 4 Addl.Govt.Pleader

For Respondents :Mr.M.Siddharthan
5 and 6

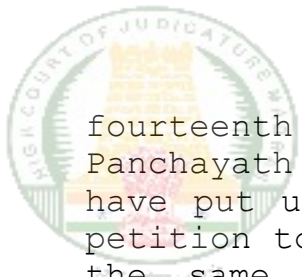
O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

The Petitioner has sought for a direction to remove the encroachment made by the respondents 8 to 16 and some other villagers in S.No.128, Common pathway in Vakkampatti Village, Athur Taluk, Dindigul District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, there are 2500 residents at Vakkampatti Village and they are using the common pathway for all purposes and there is no other access available to reach the main road. But the respondents 8 to 16 have encroached upon the common pathway and put up houses and fencing etc. Surprisingly, the



fourteenth respondent, who is the Secretary of Vakkampatti Panchayath has also encroached upon the common pathway and seems to have put up construction. The petitioner also seems to have given petition to the Chief Minister's Cell on 19.07.2018. In response to the same, in the proceedings of the President of Vakkampatti Panchayath, dated 6.12.2021, it has been stated that in S.No.128, which is a Vandil Pathai, there are encroachments made by ten persons, who are shown as respondents 8 to 16 in the Writ Petition. As already action has been taken by the Vakkampatti Panchayath directing the encroachers to remove their respective encroachments and vacate the place, the prayer sought for in the Writ Petition is satisfied.

4.It is surprising to see that the proceedings was issued by the President of Vakkampatti Panchayath, in which, one of the encroacher is the Secretary of Vakkampatti Panchayath, who has put up pucca construction by making encroachment in the common pathway. We only to place on record that even the Pathway is being encroached upon by the individuals by putting up pucca constructions much less, the Panchayath has also put up constructions unmindful of the fact that it is an encroachment and that the official respondents are only mute spectators of the whole event. From the proceedings, dated 06.12.2021, even in the year 2018, the Writ Petitioner has given petitions to the Chief Minister's Cell. Even thereafter, the authorities have allowed the encroachers to put up their houses, huts and also other encroachments to happen. As already action has been initiated for removing the encroachments by the Vakkampatti Panchayat, no further order is necessary in this Writ Petition.

5.However, as the eviction proceedings have already been initiated, the authorities concerned are directed to remove the encroachments made by the respective encroachers and complete the eviction process within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn



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 District Revenue Officer,
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- 7.The Village Administrative Officer,
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Dindigul.

+1 CC to M/s.SPL GP (SR-37768[F] & SR-37759[F] dated 08/12/2021)

W.P(MD)NO.21606 OF 2021

07.12.2021

MGJ(17.12.2021) 4P 9C