



W.P.(MD) No.2004 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.2004 of 2022

P.K.Natarajan

... Petitioner

-VS-

- 1.The District Collector
District Collector Office
Dindigul
- 2.The Sub Collector
Office of the Sub Collector
Palani
- 3.The Superintendent of Police
Office of the Superintendent of Police
Dindigul
- 4.The Deputy Superintendent of Police
Office of Deputy Superintendent of Police
Oddanchatram, Dindigul
- 5.The Tahsildar
Tahsildar Office
Oddanchatram
Dindigul District

6.Manikandan

... Respondents



W.P.(MD) No.2004 of 2022

WEB C

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fifth respondent to remove the encroachment made by the sixth respondent in Survey No.769 of Ambillikkai Village, Oddanchatram Taluk, by considering the petitioner's representations, dated 05.08.2021 and 23.10.2021, within a time frame.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1, R2 & R5
Mr.T.Senthil Kumar
Additional Public Prosecutor for R3 & R4
Mr.P.Chellapandian for R6

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the fifth respondent to remove the encroachment made by the sixth respondent in Survey No.769 of Ambillikkai Village, Oddanchatram Taluk, by considering the petitioner's representations, dated 05.08.2021 and 23.10.2021, within a time frame.

2. The fifth respondent has filed a counter affidavit, dated 17.06.2022, wherein, at Paragraph No.5, he has stated as follows:



WEB COPY



W.P.(MD) No.2004 of 2022

“5.I respectfully submit the 6th respondents patta land in S.No.767 situated at the Southern boundary of the suit property and the 6th respondent constructed a compound wall on the Patta Land. Further I submit that a portion of the compound wall covered with an extent of 43 Square feet lies in the cart track land in S.No.769.”

3. In view of the above, the authority concerned is directed to remove the encroachment in the subject land, as projected by the petitioner, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

28.10.2022

Index : Yes / No

Internet : Yes / No

krk



W.P.(MD) No.2004 of 2022

WEB COPY

To:

- 1.The District Collector,
District Collector Office,
Dindigul.
- 2.The Sub Collector,
Office of the Sub Collector,
Palani.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.
- 4.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Oddanchatram, Dindigul.
- 5.The Tahsildar,
Tahsildar Office,
Oddanchatram,
Dindigul District.



WEB COPY



W.P.(MD) No.2004 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

krk

W.P.(MD) No.2004 of 2022

28.10.2022