



W.P.(MD) No.1077 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.1077 of 2022

Karikalan

... Petitioner

-vs-

1.The District Collector
Dindigul District

2.The Tahsildar
Palani Taluk, Dindigul District

3.The Block Development Officer
Panchayat Union Office
Palani, Dindigul District

4.Palanisamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Survey No.1331/12, for an extent of 0.0017 sq.mt. situated at A.Kalayamputhur Village, Palani Taluk, Dindigul District, within a time frame.



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For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3
Mr.N.Mohan for R4

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 respondents 1 to 3 to remove the encroachment made by the fourth respondent in Survey No.1331/12, to an extent of 0.0017 sq.mt. of A.Kalayamputhur Village, Palani Taluk, Dindigul District, within a time frame.

2. The grievance of the petitioner is that though pursuant to the representation of the villagers dated 02.07.2019, the second respondent addressed a communication dated 01.10.2019, to the third respondent to remove the aforesaid encroachment made by the fourth respondent and subsequently, though the third respondent issued eviction notice dated 22.10.2019 to the fourth respondent, the said encroachment was not removed. Hence, the petitioner made a representation to the third respondent



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as early as on 22.01.2021 seeking removal of the encroachment made by the fourth respondent in the aforesaid survey number, but till date, the same has not been considered.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the petitioner's representation dated 22.01.2021 would be considered and appropriate action would be taken, in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 3 are directed to consider the petitioner's representation dated 22.01.2021 in the light of the proceedings of the second respondent dated 01.10.2019 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, 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.



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

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

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Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Dindigul District.
- 2.The Tahsildar,
Palani Taluk, Dindigul District.
- 3.The Block Development Officer,
Panchayat Union Office,
Palani, Dindigul District.



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