



W.P.(MD)No.4786 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.10.2022

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.4786 of 2021

Balakrishnan

... Petitioner

Vs.

1. The District Collector,
O/o.The District Collector,
Dindigul District.

2. The Thasildar,
Kodaikanal Taluk, Dindigul District.

3. T.P.Ravindran

4. V.P.Paramasivam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the illegal encroachment in the Government Tharisu land bearing Survey Nos. 113/10, 114/15, at Villupattti, Kurinji Nagar, Kodaikanal Revenue Village, Kodaikanal Taluk, Dindigul District, made by the respondents 3 and 4 and consequently issue pattas to the petitioner and other residents of Kurinji Nagar by taking into account the petitioner's representation dated 02.07.2019.



W.P.(MD)No.4786 of 2021

WEB COPY

For Petitioner

: Ms.A.Rajini

For Respondents

: Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 and R2
Mr.B.A.Murugan for R3
No appearance for R4

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the illegal encroachment made by the respondents 3 and 4 in the Government Tharisu land bearing Survey Nos. 113/10 and 114/15, at Villupattti, Kurinji Nagar, Kodaikanal Revenue Village, Kodaikanal Taluk, Dindigul District and consequently, to issue pattas to the petitioner and other residents of Kurinji Nagar, based on his representation dated 02.07.2019.

2. Heard Ms.A.Rajini, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.B.A.Murugan, learned counsel appearing for the third respondent.



W.P.(MD)No.4786 of 2021

3. Pointing out that the respondents 3 and 4 have encroached the Government tharisu land in Survey Nos. 113/10 and 114/15, at Villupattti, Kurinji Nagar, Kodaikanal Revenue Village, Kodaikanal Taluk, Dindigul District and thereby trying to convert the said land into plots for commercial purpose, the petitioner submitted a representation dated 02.07.2019, to the respondents 1 and 2 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 and 2 to consider the representation of the petitioner dated 02.07.2019, in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the respondents 1 and 2, to consider the representation of the petitioner dated 02.07.2019 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, respondents 3 and 4 and all the parties concerned, necessary action has to be taken by the authorities for



W.P.(MD)No.4786 of 2021

removal of such encroachment on the aforesaid land. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.10.2022

Internet : Yes / No
Index : Yes / No
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To

1. The District Collector,
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Dindigul District.

2. The Thasildar,
Kodaikanal Taluk, Dindigul District.



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W.P.(MD)No.4786 of 2021

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